

EXECUTIVE COUNCIL

H. F. 14

AN ACT to amend, revise, and codify sections two hundred forty-nine (249) to two hundred fifty-six (256), inclusive, two hundred fifty-eight (258) to two hundred sixty-one (261), inclusive, two hundred sixty-three (263) to two hundred sixty-nine (269), inclusive of the compiled code of Iowa, and sections two hundred forty-eight (248) and two hundred sixty-two (262) and fifty-seven hundred forty-four (5744) of the supplement to said code, relating to the executive council and to the powers, duties, and employees thereof.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two hundred forty-nine (249) to two hundred fifty-six (256), inclusive, two hundred fifty-eight (258) to two hundred sixty-one (261), inclusive, two hundred sixty-three (263) to two hundred sixty-nine (269), inclusive, of the compiled Code of Iowa, and sections two hundred forty-eight (248) and two hundred sixty-two (262) and fifty-seven hundred forty-four (5744) of the supplement to said Code, are amended, revised, and codified to read as follows:

CHAPTER
EXECUTIVE COUNCIL

Section 1. How constituted. The executive council shall consist of the:

1. Governor,
2. Secretary of state,
3. Auditor of state,
4. Treasurer of state, and
5. Secretary of agriculture.

A majority shall constitute a quorum. No deputy shall act on the council for his principal.

Sec. 2. Secretary. The executive council shall choose a secretary who shall hold office during its pleasure, and perform such duties as may be required by law or by the executive council.

Sec. 3. Record of proceedings -- certified statements. He shall keep a complete record of the proceedings of the executive council and of the state board of review. When arriving at values for taxable purposes the records shall show the members making the various motions, the amounts such motions designate, the values undertaken to be fixed thereby and the negative and affirmative votes thereon, and record the names of the members voting. Upon the completion of the work of said board of review, he shall immediately transmit to the auditor of state a certified statement of the percentage to be added to or deducted from the valuation of each kind or class of property in the several counties of the state, and to each county auditor of the state a like statement for his county.

Sec. 4. Assessment record. He shall keep an assessment record, wherein shall be recorded the detailed proceedings relating to valuations and assessments of properties made, taxes levied, and levies determined by the executive council, and shall certify to the several county auditors all property assessments and levies so made by the executive council, when such certification is required by law.

Sec. 5. Supplies. He shall have charge of the supplies and postage purchased for state use, and shall keep a stock book record and ledger account of the receipts and disbursements thereof.

Sec. 6. Requisition and report blanks. He shall, under the direction of the executive council, prepare and maintain forms for:

1. Requisitions for supplies for persons entitled to draw the same.
2. Reports of common carriers and all other persons or concerns required by law to make reports to the executive council.

Sec. 7. Report for Iowa official register. He shall, as soon as practicable after January first of each odd-numbered year, prepare a report of the proceedings of the executive council for the two preceding calendar years. Said report shall include a statement of:

1. The assessments of all common carriers, sleeping and dining cars, express and telegraph companies.
 2. The aggregate assessment of telephone property by classes.
 3. The official canvass of the votes cast at the last general election.
 4. The cities and towns, the class of which may have been changed.
 5. Other acts of said council that are of general interest.
- Said report shall be published in the Iowa official register.

Sec. 8. Assessment report. He shall, under the direction of the executive council, annually compile detailed reports of the assessment of railways; sleeping, dining, and equipment cars; express properties, telegraph and telephone properties.

Sec. 9. Contingent fund. A contingent fund set apart for the use of the executive council may be expended for the purpose of paying the expenses of suppressing any insurrection or riot, actual or threatened, when state aid has been rendered by order of the governor, and for repairing, rebuilding, or restoring any state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, and for no other purpose whatever.

Sec. 10. Anticipation of revenues. The executive council may anticipate the revenues for any year, when the current revenues for such year are insufficient to pay all warrants issued in said year, by causing state warrants, in an amount not exceeding the estimated state revenues for said year, and drawing not to exceed five (5) per cent per annum, to be issued, advertised, and sold on sealed bids to the highest bidder. All bids and all records pertaining thereto, and the names of all purchasers shall be kept on file.

Sec. 11. Compromise of claims. The executive council, on a written report to it by the attorney general together with his opinion as to the legal effect of the facts, may determine by resolution to be duly entered in its official records, the terms on which claims of doubtful equity or collectibility, and in favor of the state, may be compromised and settled with all or any of the parties thereto. Such terms may be withdrawn prior to acceptance, or in case the debtor fails to comply therewith within a reasonable time. The attorney general shall have full authority to execute all papers necessary to effect any such settlement.

Sec. 12. Court costs. The executive council may pay, out of any money in the state treasury not otherwise appropriated, any expense incurred, or costs taxed to the state, in any proceeding brought by or against any of the state departments or in which the state is a party or interested.

Sec. 13. Report of unexpended balances. All commissions, boards, officers or persons placed in charge, by statute, of special work for which a specific appropriation of state funds has been made, shall, biennially, report to the executive council the progress of such special work, the balance on hand in such fund, a list of all unpaid bills, and the amount of each, then outstanding, with such other information as the council shall from time to time require.

Sec. 14. Notice of hearing to transfer balance. When said council is satisfied that the work for which such special fund was created has been completed or abandoned, it shall fix a day for hearing on the question whether the unexpended balance then on hand should be transferred to the general revenue fund of the state, and shall cause a ten (10) days' notice of such hearing to be given such commission, board, officer, or person, at which hearing showing may be made why such unexpended balance should not be so transferred.

Sec. 15. Order of transfer. If after such hearing the council shall find that said special work has been completed or abandoned, and that there is no good reason why such transfer should not then be made, such findings shall be made a matter of record in the minutes of its proceedings, and the secretary of the council shall at once file a copy of such proceedings with the auditor and treasurer of state.

Sec. 16. Duty to transfer. The auditor and treasurer of state shall, on receipt from the secretary of the council of a copy of such record, make such transfer.

Sec. 17. Exception. The four (4) preceding sections shall not apply to any appropriation for any purpose connected with the operation of any state institution under the control of the state board of control of state institutions, unless the board shall certify to the said council that an unexpended balance of such appropriation will not be needed.

Sec. 18. Assignment of rooms. The executive council shall control the assignment of rooms in the capitol building, provided that room four (4) in the basement story shall be the permanent quarters of the Grand Army of the Republic department of Iowa. Assignments may be changed at any time. Assignment of rooms which are necessary for legislative purposes, shall terminate on the convening of the general assembly. The various officers to whom room have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state.

Sec. 19. Repairs -- supplies. The executive council may contract for the repairing of all buildings and grounds of the state at the seat of government, for the necessary telephone, telegraph, lighting, and water service for such buildings and grounds, for all necessary furniture, fuel, stores, and supplies for the said buildings and grounds, and for the various departments of the state government at the seat of government. Payment for telephone, telegraph, water, and lighting service shall not exceed the minimum charge to private parties.

Sec. 20. Advertisement for bids. The secretary of the executive council shall, from time to time, on the order of the council, advertise in two (2) newspapers published at the seat of government, and in such other newspapers as the council may order, for sealed proposals for furnishing supplies (except government postage and other non-competitive supplies) which advertisements shall state the kind, quality, quantity, and time and place of delivery, the time and place when such proposals will be opened, and when the same must be filed with such secretary, and other matters as the council may direct.

Sec. 21. Contracts. All bids shall be opened at the time and place specified. Contracts shall be let to the lowest bidder, but the council may reject all bids and readvertise. Successful bidders shall give security, to be approved by the council, for the faithful performance of all contracts.

Sec. 22. Identification of state property. All furniture, stores, or supplies for use in and about the capitol shall, when practicable, be marked with the word "Iowa".

Sec. 23. Sale of state property. Said council may dispose of any personal property when the same shall, for any reason, become unfit for further use by the state.

Sec. 24. Supply account. The executive council shall take charge of all property purchased, and shall keep a complete and itemized account of all such property, with the cost and disposition thereof.

Sec. 25. Officers entitled to supplies. The council shall, unless otherwise provided, furnish the following officers and departments with all articles and supplies required for the public use and necessary to enable them to perform the duties imposed upon them by law:

1. Governor
2. Secretary of state
3. Auditor of state
4. Treasurer of state
5. Secretary of agriculture
6. Attorney general
7. Judges of supreme court

8. Clerk of supreme court
9. Reporter of supreme court
10. Railroad commissioners
11. Commerce council
12. General assembly and members thereof
13. Standing and special committees of the General assembly
14. Chief clerk of the house
15. Secretary of the senate
16. Superintendent of public instruction
17. Board of control of state institutions
18. State board of education and the finance committee thereof
19. Banking department
20. Insurance department
21. Horticultural society
22. Historical department
23. Mine inspectors
24. Labor commissioner
25. Geological board and state geologist
26. Board of parole
27. State department of health
28. State board of audit
29. State board of educational examiners
30. State library
31. Law library
32. State library commission
33. State printing board and superintendent of printing
34. State fire marshal
35. Industrial commissioner
36. Adjutant general
- 36-a. Director of the budget
37. Custodian of public buildings and grounds

This section shall not be construed to prevent the furnishing of supplies to other officers who are entitled to receive them under other provisions of law.

Sec. 26. Postage. Postage shall not be furnished to the general assembly, its members, officers, employees, or committees.

Sec. 27. Drawing supplies. Supplies shall be delivered only on a written requisition on the secretary of said council, signed by the officer entitled thereto, specifying the amount and kind necessary. The secretary shall take receipts for all such supplies and file and preserve the same.

Sec. 28. Account with officer. The council shall keep an accurate, itemized account with each office, board, commission, or person drawing supplies, charging thereto the several articles furnished at the cost price.

Sec. 29. Performance of duty--expense. The executive council shall not employ others, or incur any expense, for the purpose of performing any duty imposed upon such council when such duty may, without neglect of their usual duties, be performed by the members, or by their regular employees, but, subject to such limitation, the council may incur the necessary expense to perform or cause to be performed any legal duty imposed on said council, and pay the same out of any money in the state treasury not otherwise appropriated.

Sec. 30. Necessary record. Before incurring any expense authorized by the preceding section, the council shall, in each case, by resolution, entered upon its records, set forth the necessity for incurring such expense, the special fitness of the one employed to perform such work, the definite rate of compensation or salary allowed, and the total amount of money that may be expended. Compensation or salary for personal services in such cases must be determined by unanimous vote of all members of the council.

Sec. 31. Additional compensation and expenses. Members of the executive council and its regular employees shall be paid no additional salary or compensation for special service, but shall receive their necessary traveling expenses, including subsistence, when absent from the seat of government on official business.

Approved April 26, 1924.

CHAPTER 7
CLAIMS AGAINST THE STATE
S. F. 15

AN ACT to amend, revise, and codify chapter thirteen (13), title two (2), of the compiled code of Iowa and of the supplement to said code; also sections seven hundred fourteen (714) and seven hundred fifteen (715) of said code, and section one hundred eighteen-a one (118-a1) of the supplement to said code, relating to the filing and auditing of claims against the state.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter thirteen (13), title two (2), of the compiled Code of Iowa and of the supplement to said Code and section one hundred eighteen-a one (118-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. State board of audit. A state board of audit is hereby created. Said board shall consist of the director of the budget, the auditor of state, and the attorney general. The attorney general may designate one of his legal assistants to act in his place.

Sec. 2. Secretary--duties. The auditor of state shall be ex officio secretary of said board. He shall keep a record which shall show the number of every claim, the date of filing, the name of the claimant, the character of the claim, the amount claimed, and the amount allowed and date thereof.

Sec. 3. Duties. All claims for money due from the state, to be paid from the state treasury, except the monthly or annual salaries of the various officers and employees whose salaries are fixed by law, shall be approved and certified by the state board of audit before warrants in payment of the same are drawn; provided, however, that no claim be allowed when the same will exceed the amount appropriated for any department, office, bureau, commission or institution, under the state government. No claim shall be audited by the board when such claim is presented after the lapse of two (2) years from its accrual. Said board shall have no authority to authorize the creation of a claim against the state.

Sec. 4. Duty in auditing claims. Said board, before approving a claim, shall determine:

1. That the creation of the claim is clearly authorized by law.
2. That the claim has been authorized by an officer or official body having legal authority to so authorize, and that the fact of such authorization has been certified to said board of audit by such officer or official body.
3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.
4. That the claim is in proper form and duly verified.
5. That the charges are reasonable, proper, and correct, and no part of said claim has been paid.