

CHAPTER 7D

EXECUTIVE COUNCIL

| | | | |
|--------|--|-------|--|
| 7D.1 | Membership. | 7D.15 | Public policy research foundation. |
| 7D.2 | Secretary. | 7D.16 | Alcoholic beverages in state capitol or on complex grounds. |
| 7D.3 | Records kept. | 7D.17 | through 7D.28 Reserved. |
| 7D.4 | and 7D.5 Reserved. | 7D.29 | Performance of duty — expense. |
| 7D.6 | Report — official register. | 7D.30 | Necessary record. |
| 7D.7 | Reserved. | 7D.31 | Additional compensation and expenses. |
| 7D.8 | Anticipation of revenues. | 7D.32 | Reserved. |
| 7D.9 | Compromise of claims. | 7D.33 | State employee suggestion system. Repealed by 2003 Acts, ch 145, §291. |
| 7D.10 | Court costs. | 7D.34 | Energy conservation lease-purchase. |
| 7D.10A | Payment to livestock remediation fund. | 7D.35 | Dispute resolution. |
| 7D.11 | Report of unexpended balances. | | |
| 7D.12 | Notice to transfer balance. | | |
| 7D.13 | Order of transfer. | | |
| 7D.14 | Duty to transfer. | | |

7D.1 Membership.

1. The executive council shall consist of the:
 - a. Governor.
 - b. Secretary of state.
 - c. Auditor of state.
 - d. Treasurer of state.
 - e. Secretary of agriculture.
2. A majority shall constitute a quorum. No deputy shall act on the council for the deputy's principal.

[R60, §993; C73, §111; C97, §155; C24, 27, 31, 35, 39, §276; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.1]

C93, §7D.1

2008 Acts, ch 1032, §201

7D.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.

[R60, §999; C73, §119, 120; C97, §156, 157; S13, §156, 157; C24, 27, 31, 35, 39, §277; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.2]

C93, §7D.2

7D.3 Records kept.

The secretary shall keep a complete record of the proceedings of the executive council.

[C73, §119; C97, §156, 157; S13, §157; C24, 27, 31, 35, 39, §278; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.3]

C93, §7D.3

7D.4 and 7D.5 Reserved.

7D.6 Report — official register.

1. The secretary shall, as soon as practicable after January 1 of each odd-numbered year, prepare a report of the proceedings of the executive council for the two preceding calendar years. The report shall include a statement of:
 - a. The official canvass of the votes cast at the last general election.
 - b. Other acts of the council that are of general interest.

2. The report may be published in the Iowa official register as provided in section 2A.5. [C73, §120; C97, §157; S13, §157; C24, 27, 31, 35, 39, §284; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.6]
C93, §7D.6
2003 Acts, ch 35, §21, 48, 49; 2008 Acts, ch 1032, §201

7D.7 Reserved.

7D.8 Anticipation of revenues.

The executive council may anticipate the revenues for any year, when the current revenues for that year are insufficient to pay all warrants issued in that year, by causing state warrants, in an amount not exceeding the estimated state revenues for that year, and bearing interest at a rate not exceeding that permitted by chapter 74A, to be issued, advertised, and sold on sealed bids, and to the bidder offering the lowest interest rate. All bids and all records pertaining thereto shall be kept on file. The treasurer of state shall comply with the provisions of chapter 74.

[S13, §170-a; C24, 27, 31, 35, 39, §287; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.8]
C93, §7D.8
Referred to in §74.1

7D.9 Compromise of claims.

The executive council, on a written report to it by the attorney general together with the attorney general's 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.

[S13, §170-h; C24, 27, 31, 35, 39, §288; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.9]
C93, §7D.9
Referred to in §123.37, 421.5

7D.10 Court costs.

If sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department, upon authorization by the executive council there is appropriated from moneys in the general fund of the state not otherwise appropriated, an amount sufficient to pay expenses 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 is interested. This section shall not be construed to authorize the payment of travel or other personal expenses of state officers or employees.

[S13, §170-i; C24, 27, 31, 35, 39, §289; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.10]
C93, §7D.10
2011 Acts, ch 131, §10, 158

7D.10A Payment to livestock remediation fund.

If moneys are not sufficient to support the livestock remediation fund as provided in chapter 459, subchapter V, the executive council may authorize as an expense paid from the appropriations addressed in section 7D.29 the payment of an amount to the livestock remediation fund as provided under section 459.501, subsection 5. However, not more than a total of one million dollars shall be paid pursuant to this section to the livestock remediation fund at any time.

98 Acts, ch 1209, §1; 2011 Acts, ch 81, §11; 2011 Acts, ch 131, §11, 158
Referred to in §459.501

7D.11 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.

[SS15, §170-q; C24, 27, 31, 35, 39, §290; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.11]
C93, §7D.11
Referred to in §8.33

7D.12 Notice 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 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.

[SS15, §170-q; C24, 27, 31, 35, 39, §291; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.12]
C93, §7D.12
Referred to in §8.33

7D.13 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 director of the department of administrative services.

[SS15, §170-q; C24, 27, 31, 35, 39, §292; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.13]
C93, §7D.13
2003 Acts, ch 145, §286
Referred to in §8.33

7D.14 Duty to transfer.

The director of the department of administrative services shall, on receipt from the secretary of the council of a copy of such record, make such transfer.

[SS15, §170-q; C24, 27, 31, 35, 39, §293; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.14]
C93, §7D.14
2003 Acts, ch 145, §286
Referred to in §8.33

7D.15 Public policy research foundation.

1. The public policy research foundation is created for the purpose of conducting studies and making recommendations on critical and long-term issues needing the attention of state government. The foundation is authorized to establish an endowment fund to assist in the financing of its activities. The foundation may exercise any power authorized by chapter 504 and this section.

2. The executive council shall cause a public policy research foundation to be created under chapter 504 and this section. The foundation shall be created so that donations and bequests to it qualify as tax deductible under the federal and state income tax laws. The foundation is not a state agency and shall not exercise any sovereign power of the state. The state is not liable for any debts of the foundation.

3. The public policy research foundation shall have a board of directors of ten members. One member shall be appointed by the state board of regents and one member shall be appointed by the Iowa association of independent colleges and universities. Four members shall be appointed by the governor and four members shall be appointed by the legislative council, one by each appointing authority representing the interests of each of the following four categories:

- a. Business.
- b. Labor.
- c. Community-based organizations.
- d. Farming.

4. The terms of the members of the board of directors shall be two years beginning on July 1 and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term. Not more than two of the governor's appointees and two of the legislative council's appointees, respectively, shall be of the same gender or of the same political party.

5. The governor, the legislative council by motion, and the general assembly by concurrent resolution may request that studies be conducted by the public policy research foundation. The board of directors of the foundation shall establish the priorities of the research requests based upon available financial resources.

6. For the purposes of this section "*community-based organizations*" means private nonprofit organizations which are representative of communities or significant segments of communities. Examples include United Way of America, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities as defined in section 7, subsection 10, of the federal Rehabilitation Act of 1973, tribal governments, and agencies serving youth, persons with disabilities, displaced homemakers, or on-reservation Indians.

86 Acts, ch 1154, §1

C87, §19.15

C93, §7D.15

96 Acts, ch 1129, §113; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393

7D.16 Alcoholic beverages in state capitol or on complex grounds.

Notwithstanding any contrary provision of law prohibiting the use and consumption of alcoholic beverages in a public place, the executive council may authorize, by resolution, the temporary use and consumption of alcoholic beverages, as defined in section 123.3, in the state capitol or on the state capitol complex grounds, as if the state capitol or state capitol complex grounds were a private place. The authorization by resolution shall be limited to the use and consumption of alcoholic beverages as an accompaniment to food at a single award ceremony, social event, or other occasion deemed appropriate by the executive council. The authorization shall require that the person providing the food and alcoholic beverages possess an appropriate liquor control license in accordance with section 123.95. The secretary of the executive council shall inform the secretary of the legislative council and the director of the department of administrative services of the approval of any such resolution.

2009 Acts, ch 179, §101

7D.17 through 7D.28 Reserved.

7D.29 Performance of duty — expense.

1. The executive council shall not employ others, or authorize any expense, for the purpose of performing any duty imposed upon the council when the duty may, without neglect of their usual duties, be performed by the members, or by their regular employees, but, subject to this limitation, the council may authorize the necessary expense to perform or cause to be performed any legal duty imposed on the council. The expenses authorized by the executive council in accordance with this section and the expenses authorized by the executive council in accordance with other statutory provisions referencing the appropriations addressed in this section shall be paid as follows:

a. From the appropriation made from the Iowa economic emergency fund in section 8.55 for purposes of paying such expenses.

b. To the extent the appropriation from the Iowa economic emergency fund described in paragraph "a" is insufficient to pay such expenses, there is appropriated from moneys in the general fund of the state not otherwise appropriated the amount necessary to fund that deficiency.

2. At least two weeks prior to the executive council's approval of a payment authorization under this section, the secretary of the executive council shall notify the legislative services agency that the authorization request will be considered by the executive council and shall provide background information justifying the request.

3. The executive council shall receive requests from the Iowa department of public health relative to the purchase, storing, and distribution of vaccines and medication for prevention, prophylaxis, or treatment. Upon review and after compliance with subsection 2, the executive council may approve the request and may authorize payment of the necessary expense. The expense authorized by the executive council under this subsection shall be paid from the appropriations referred to in subsection 1.

[S13, §170-l, -n, -p; C24, 27, 31, 35, 39, §306; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.29]

88 Acts, ch 1275, §30; 89 Acts, ch 315, §25

C93, §7D.29

2006 Acts, ch 1171, §7, 9; 2006 Acts, ch 1185, §54, 89; 2011 Acts, ch 131, §12, 158

Referred to in §7D.10A, 7D.30, 8.55, 8A.321, 11.32, 15E.71, 29C.8, 29C.20, 96.13, 97C.13A, 135.143, 135.144, 163.3A, 163.15, 459.501, 468.43, 602.10133

7D.30 Necessary record.

Before authorizing any expense in accordance with section 7D.29, the executive council shall, in each case, by resolution, entered upon its records, set forth the necessity for authorizing 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.

[S13, §170-m, -n; C24, 27, 31, 35, 39, §307; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.30]

C93, §7D.30

2011 Acts, ch 131, §13, 158

7D.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.

[S13, §170-o; C24, 27, 31, 35, 39, §308; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.31]
C93, §7D.31

7D.32 Reserved.

7D.33 State employee suggestion system. Repealed by 2003 Acts, ch 145, § 291. See § 8A.110.

7D.34 Energy conservation lease-purchase.

1. As used in this section:

a. "*Energy conservation measure*" means installation or modification of an installation in a building which is primarily intended to reduce energy consumption or allow the use of an alternative energy source, which may contain integral control and measurement devices.

b. "*State agency*" means a board, department, commission or authority of or acting on behalf of the state having the power to enter into contracts with or without the approval of the executive council to acquire property in its own name or in the name of the state. "*State agency*" does not mean the general assembly, the courts, the governor or a political subdivision of the state.

2. a. A state agency may, with the approval of the executive council, lease as lessee real and personal properties and facilities for use as or in connection with any energy conservation measure for which it may so acquire real and personal properties and facilities, upon the terms, conditions and considerations the official or officials having the authority

with or without the approval of the executive council to commit the state agency to acquire real and personal property and facilities deemed in the best interests of the state agency. A lease may include provisions for ultimate ownership by the state or by the state agency and may obligate the state agency to pay costs of maintenance, operation, insurance and taxes. The state agency shall pay the rentals and the additional costs from the annual appropriations for the state agency by the general assembly or from other funds legally available. The lessor of the properties or facilities may retain a security interest in them until title passes to the state or state agency. The security interest may be assigned or pledged by the lessor. In connection with the lease, the state agency may contract for a letter of credit, insurance or other security enhancement obligation with respect to its rental and other obligations and pay the cost from annual appropriations for such state agency by the general assembly or from other funds legally available. The security enhancement arrangement may contain customary terms and provisions, including reimbursement and acceleration if appropriate. This section is a complete and independent authorization and procedure for a state agency, with the approval of the executive council, to enter into a lease and related security enhancement arrangements and this section is not a qualification of any other powers which a state agency may possess, including those under chapter 262, and the authorization and powers granted under this section are not subject to the terms or requirements of any other provision of the Code.

b. Before a state agency seeks approval of the executive council for leasing real or personal properties or facilities for use as or in connection with any energy conservation measure, the state agency shall have a comprehensive engineering analysis done on a building in which it seeks to improve the energy efficiency by an engineering firm approved by the economic development authority through a competitive selection process and the engineering firm is subject to approval of the executive council. Provisions of this section shall only apply to energy conservation measures identified in the comprehensive engineering analysis.

c. Before the executive council gives its approval for a state agency to lease real and personal properties or facilities for use as or in connection with any energy conservation measure, the executive council shall in conjunction with the economic development authority and after review of the engineering analysis submitted by the state agency make a determination that the properties or facilities will result in energy cost savings to the state in an amount that results in the state recovering the cost of the properties or facilities within six years after the initial acquisition of the properties or facilities.

85 Acts, ch 55, §1

CS85, §19.34

C93, §7D.34

2009 Acts, ch 108, §1, 41; 2011 Acts, ch 118, §50, 89

Referred to in §12.28, 28J.9, 470.3, 470.7

7D.35 Dispute resolution.

The executive council shall resolve any disputes transmitted to it by the economic development authority, the state building code commissioner, or both, arising under section 470.7.

89 Acts, ch 315, §26

CS89, §19.35

C93, §7D.35

2009 Acts, ch 108, §2, 41; 2011 Acts, ch 118, §50, 89