

House Study Bill 257

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the executive council.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1596HC 81
4 ec/gg/14

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1 1 Section 1. Section 1C.2, unnumbered paragraph 3, Code
1 2 2005, is amended by striking the unnumbered paragraph.
1 3 Sec. 2. Section 2.46, subsection 2, Code 2005, is amended
1 4 to read as follows:
1 5 2. EXAMINATION. Examine the reports and official acts of
1 6 ~~the executive council and of~~ each officer, board, commission,
1 7 and department of the state, in respect to the conduct and
1 8 expenditures thereof and the receipts and disbursements of
1 9 public funds thereby. All state departments and agencies are
1 10 required to immediately notify the legislative fiscal
1 11 committee of the legislative council and the director of the
1 12 legislative services agency if any state facilities within
1 13 their jurisdiction have been cited for violations of any
1 14 federal, state, or local laws or regulations or have been
1 15 decertified or notified of the threat of decertification from
1 16 compliance with any state, federal, or other nationally
1 17 recognized certification or accreditation agency or
1 18 organization.
1 19 Sec. 3. Section 6A.1, Code 2005, is amended to read as
1 20 follows:
1 21 6A.1 EXERCISE OF POWER BY STATE.
1 22 Proceedings may be instituted and maintained by the state
1 23 of Iowa, or for the use and benefit thereof, for the
1 24 condemnation of such private property as may be necessary for
1 25 any public improvement which the general assembly has
1 26 authorized to be undertaken by the state, and for which an
1 27 available appropriation has been made. The ~~executive council~~
1 28 department of administrative services shall institute and
1 29 maintain such proceedings in case authority to so do be not
1 30 otherwise delegated.
1 31 Sec. 4. Section 6A.2, Code 2005, is amended to read as
1 32 follows:
1 33 6A.2 ON BEHALF OF FEDERAL GOVERNMENT.
1 34 The ~~executive council~~ department of administrative services
1 35 may institute and maintain such proceedings when private
2 1 property is necessary for any use of the government of the
2 2 United States.
2 3 Sec. 5. Section 7A.30, unnumbered paragraph 2, Code 2005,
2 4 is amended to read as follows:
2 5 Inventories maintained in the files of each such agency of
2 6 state government shall be open to public inspection and
2 7 available for the information of the ~~executive council and~~
2 8 director of the department of administrative services.
2 9 Sec. 6. Section 7D.1, Code 2005, is amended to read as
2 10 follows:
2 11 7D.1 MEMBERSHIP.
2 12 The executive council shall consist of the:
2 13 1. Governor.
2 14 2. Lieutenant governor.
2 15 3. Secretary of state.
2 16 ~~3. 4. Auditor of state.~~
2 17 ~~4. 5. Treasurer of state.~~
2 18 ~~5. 6. Secretary of agriculture~~ Attorney general.
2 19 ~~7. President of the senate.~~

2 20 8. Speaker of the house of representatives.
2 21 9. President of the board of regents.
2 22 10. Chief justice of the Iowa supreme court.
2 23 11. Chief executive officer of the Iowa public employees'
2 24 retirement system.
2 25 A majority shall constitute a quorum. No deputy shall act
2 26 on the council for the deputy's principal.
2 27 Sec. 7. Section 7D.2, Code 2005, is amended to read as
2 28 follows:
2 29 7D.2 SECRETARY.
2 30 The director of the department of management shall act as
2 31 the secretary of the executive council and shall choose a
2 32 secretary who shall hold office during its pleasure, and
2 33 perform such duties as may be required by law or by the
2 34 executive council.
2 35 Sec. 8. Section 7D.3, Code 2005, is amended to read as
3 1 follows:
3 2 7D.3 MEETINGS == RECORDS KEPT == EXPENSES.
3 3 1. The executive council shall meet on a quarterly basis
3 4 as determined by the secretary. The secretary shall make the
3 5 agenda available to the members of the executive council and
3 6 the public at least one week prior to the date of the meeting.
3 7 Meetings of the executive council shall be open to the public.
3 8 2. The secretary shall keep a complete record of the
3 9 proceedings of the executive council.
3 10 3. Expenses associated with the executive council shall be
3 11 budgeted and expensed within the department of management.
3 12 Members of the executive council shall not be paid any
3 13 additional salary or compensation for service on the executive
3 14 council.
3 15 Sec. 9. NEW SECTION. 7D.4 DUTIES.
3 16 The executive council shall, on a regular basis, provide
3 17 oversight and review of the following:
3 18 1. The current revenues of the state compared to previous
3 19 years and forecasted revenues.
3 20 2. The current expenditures of state government as
3 21 compared to previous years and the budget for the current
3 22 year.
3 23 3. Board of regents expenditures as compared to previous
3 24 years and the budget for the current year.
3 25 4. The financial condition of the Iowa public employees'
3 26 retirement system, the public safety peace officers'
3 27 retirement, accident, and disability system, and the judicial
3 28 retirement system.
3 29 5. Sales, purchases, and lease agreements of over one
3 30 million dollars entered into by the state and board of
3 31 regents.
3 32 6. Employee contract negotiations concerning employees of
3 33 the state and the board of regents that can be discussed
3 34 consistent with the requirements of chapter 20.
3 35 7. Comprehensive annual financial reports and any other
4 1 state audit reports.
4 2 8. Litigation concerning the state.
4 3 9. Relevant judicial rulings, legislation, and
4 4 administrative rules impacting state government.
4 5 10. Economic development activities.
4 6 11. Any other issue a member of the executive council
4 7 raises for discussion that impacts the functioning and
4 8 accountability of state government.
4 9 Sec. 10. Section 7J.1, subsection 8, Code 2005, is amended
4 10 by striking the subsection.
4 11 Sec. 11. Section 8.6, subsection 6, Code 2005, is amended
4 12 to read as follows:
4 13 6. INVESTIGATIONS. To make such investigations of the
4 14 organization, activities and methods of procedure of the
4 15 several departments and establishments as the director of
4 16 management may be called upon to make by the governor ~~or the~~
4 17 ~~governor and executive council,~~ or the legislature.
4 18 Sec. 12. Section 8.6, subsection 8, Code 2005, is amended
4 19 to read as follows:
4 20 8. RULES. To make such rules, subject to the approval of
4 21 the governor, as may be necessary for effectively carrying on
4 22 the work of the department of management. The director may
4 23 ~~with the approval of the executive council,~~ require any state
4 24 official, agency, department or commission, to require any
4 25 applicant, registrant, filer, permit holder or license holder,
4 26 whether individual, partnership, trust or corporation, to
4 27 submit to said official, agency, department or commission, the
4 28 social security or the tax number or both so assigned to said
4 29 individual, partnership, trust or corporation.
4 30 Sec. 13. Section 8.33, unnumbered paragraph 1, Code 2005,

4 31 is amended to read as follows:

4 32 No obligation of any kind shall be incurred or created
4 33 subsequent to the last day of the fiscal year for which an
4 34 appropriation is made, except when specific provision
4 35 otherwise is made in the Act making the appropriation. On
5 1 August 31, or as otherwise provided in an appropriation Act,
5 2 following the close of each fiscal year, all unencumbered or
5 3 unobligated balances of appropriations made for that fiscal
5 4 term revert to the state treasury and to the credit of the
5 5 funds from which the appropriations were made, except that
5 6 capital expenditures for the purchase of land or the erection
5 7 of buildings or new construction continue in force until the
5 8 attainment of the object or the completion of the work for
5 9 which the appropriations were made unless the Act making an
5 10 appropriation for the capital expenditure contains a specific
5 11 provision relating to a time limit for incurring an obligation
5 12 or reversion of funds. ~~This section does not repeal sections~~
~~5 13 7D.11 through 7D.14.~~

5 14 Sec. 14. NEW SECTION. 8A.111 ENERGY CONSERVATION LEASE=
5 15 PURCHASE.

5 16 1. As used in this section:

5 17 a. "Energy conservation measure" means installation or
5 18 modification of an installation in a building which is
5 19 primarily intended to reduce energy consumption or allow the
5 20 use of an alternative energy source, which may contain
5 21 integral control and measurement devices.

5 22 b. "State agency" means a board, department, commission,
5 23 or authority of or acting on behalf of the state having the
5 24 power to enter into contracts to acquire property in its own
5 25 name or in the name of the state. "State agency" does not
5 26 mean the general assembly, the courts, the governor, or a
5 27 political subdivision of the state.

5 28 2. a. A state agency may, with the approval of the
5 29 department, lease as lessee real and personal properties and
5 30 facilities for use as or in connection with any energy
5 31 conservation measure for which it may so acquire real and
5 32 personal properties and facilities, upon the terms,
5 33 conditions, and considerations the official or officials
5 34 having the authority with or without the approval of the
5 35 department to commit the state agency to acquire real and
6 1 personal property and facilities deemed in the best interests
6 2 of the state agency. A lease may include provisions for
6 3 ultimate ownership by the state or by the state agency and may
6 4 obligate the state agency to pay costs of maintenance,
6 5 operation, insurance, and taxes. The state agency shall pay
6 6 the rentals and the additional costs from the annual
6 7 appropriations for the state agency by the general assembly or
6 8 from other funds legally available. The lessor of the
6 9 properties or facilities may retain a security interest in
6 10 them until title passes to the state or state agency. The
6 11 security interest may be assigned or pledged by the lessor.
6 12 In connection with the lease, the state agency may contract
6 13 for a letter of credit, insurance, or other security
6 14 enhancement obligation with respect to its rental and other
6 15 obligations and pay the cost from annual appropriations for
6 16 such state agency by the general assembly or from other funds
6 17 legally available. The security enhancement arrangement may
6 18 contain customary terms and provisions, including
6 19 reimbursement and acceleration if appropriate. This section
6 20 is a complete and independent authorization and procedure for
6 21 a state agency, with the approval of the department, to enter
6 22 into a lease and related security enhancement arrangements,
6 23 and this section is not a qualification of any other powers
6 24 which a state agency may possess, including those under
6 25 chapter 262, and the authorization and powers granted under
6 26 this section are not subject to the terms or requirements of
6 27 any other provision of the Code.

6 28 b. Before a state agency seeks approval of the department
6 29 for leasing real or personal properties or facilities for use
6 30 as or in connection with any energy conservation measure, the
6 31 state agency shall have a comprehensive engineering analysis
6 32 done on a building in which it seeks to improve the energy
6 33 efficiency by an engineering firm approved by the department
6 34 of natural resources through a competitive selection process
6 35 and the engineering firm is subject to approval of the
7 1 department. Provisions of this section shall only apply to
7 2 energy conservation measures identified in the comprehensive
7 3 engineering analysis.

7 4 c. Before the department gives its approval for a state
7 5 agency to lease real and personal properties or facilities for
7 6 use as or in connection with any energy conservation measure,

7 7 the department shall, in conjunction with the department of
7 8 natural resources and after review of the engineering analysis
7 9 submitted by the state agency, make a determination that the
7 10 properties or facilities will result in energy cost savings to
7 11 the state in an amount that results in the state recovering
7 12 the cost of the properties or facilities within six years
7 13 after the initial acquisition of the properties or facilities.

7 14 Sec. 15. NEW SECTION. 8A.112 DISPUTE RESOLUTION.

7 15 The department shall resolve any disputes transmitted to it
7 16 by the department of natural resources, the state building
7 17 code commissioner, or both, arising under section 470.7.

7 18 Sec. 16. Section 8A.311, subsection 8, unnumbered
7 19 paragraph 2, Code 2005, is amended by striking the unnumbered
7 20 paragraph.

7 21 Sec. 17. Section 8A.313, Code 2005, is amended to read as
7 22 follows:

7 23 8A.313 DISPUTES INVOLVING PURCHASING FROM IOWA STATE
7 24 INDUSTRIES.

7 25 Disputes arising between the department of corrections and
7 26 a purchasing department or agency over the procurement of
7 27 products from Iowa state industries as described in section
7 28 904.808 shall be referred to the director. The decision of
7 29 the director is final ~~unless a written appeal is filed with~~
~~7 30 the executive council within five days of receipt of the~~
~~7 31 decision of the director, excluding Saturdays, Sundays, and~~
~~7 32 legal holidays. If an appeal is filed, the executive council~~
~~7 33 shall hear and determine the appeal within thirty days. The~~
~~7 34 decision of the executive council is final.~~

7 35 Sec. 18. Section 8A.314, subsection 2, Code 2005, is
8 1 amended to read as follows:

8 2 2. At the end of each month the director shall render a
8 3 statement to each state agency for the actual cost of items
8 4 purchased through the department, and the actual cost of
8 5 services and postage used by the agency. The monthly
8 6 statement shall also include a fair proportion of the
8 7 administrative costs of the department during the month. The
8 8 portion of administrative costs shall be determined by the
8 9 director ~~subject to review by the executive council upon~~
~~8 10 complaint from any state agency adversely affected.~~

8 11 Sec. 19. Section 8A.321, subsection 4, Code 2005, is
8 12 amended to read as follows:

8 13 4. ~~Contract, with the approval of the executive council,~~
8 14 for the repair, remodeling, or, if the condition warrants,
8 15 demolition of all buildings and grounds of the state at the
8 16 seat of government, at the state laboratories facility in
8 17 Ankeny, and the institutions of the department of human
8 18 services and the department of corrections for which no
8 19 specific appropriation has been made, if the cost of repair,
8 20 remodeling, or demolition will not exceed one hundred thousand
8 21 dollars when completed. If no specific appropriation has been
8 22 made, the proposed contract shall be submitted to the state
8 23 appeal board for approval. The cost of repair projects for
8 24 which no specific appropriation has been made shall be paid
8 25 from ~~the fund provided in section 7D.29~~ moneys in the state
8 26 treasury not otherwise appropriated.

8 27 Sec. 20. Section 8A.321, subsection 6, paragraphs a and b,
8 28 Code 2005, are amended to read as follows:

8 29 a. Lease all buildings and office space necessary to carry
8 30 out the provisions of this subchapter or necessary for the
8 31 proper functioning of any state agency at the seat of
8 32 government. For state agencies at the seat of government, the
8 33 director may lease buildings and office space in Polk county
8 34 or in a county contiguous to Polk county. If no specific
8 35 appropriation has been made, the proposed lease shall be
9 1 submitted to the ~~executive council~~ state appeal board for
9 2 approval. The cost of any lease for which no specific
9 3 appropriation has been made shall be paid from ~~the fund~~
~~9 4 provided in section 7D.29~~ moneys in the state treasury not
9 5 otherwise appropriated.

9 6 b. When the general assembly is not in session, the
9 7 director may request moneys from the ~~executive council~~ state
9 8 appeal board for moving state agencies located at the seat of
9 9 government from one location to another. The request may
9 10 include moving costs, telecommunications costs, repair costs,
9 11 or any other costs relating to the move. The ~~executive~~
~~9 12 council~~ state appeal board may approve and shall pay the costs
9 13 from ~~funds provided in section 7D.29~~ moneys in the state
9 14 treasury not otherwise appropriated if it determines the
9 15 agency or department has no available funds for these
9 16 expenses.

9 17 Sec. 21. Section 8A.321, subsection 8, Code 2005, is

9 18 amended to read as follows:

9 19 8. With the authorization of a constitutional majority of
9 20 each house of the general assembly and approval by the
9 21 governor, dispose of real property belonging to the state and
9 22 its state agencies upon terms, conditions, and consideration
9 23 as the director may recommend. If real property subject to
9 24 sale under this subsection has been purchased or acquired from
9 25 appropriated funds, the proceeds of the sale shall be
9 26 deposited with the treasurer of state and credited to the
9 27 general fund of the state or other fund from which
9 28 appropriated. There is appropriated from that same fund, with
9 29 the prior approval of ~~the executive council and in cooperation~~
~~9 30 with the director~~, a sum equal to the proceeds so deposited
9 31 and credited to the state agency to which the disposed real
9 32 property belonged or by which it was used, for purposes of the
9 33 state agency.

9 34 Sec. 22. Section 8A.364, subsection 2, Code 2005, is
9 35 amended to read as follows:

10 1 2. At the end of each month the director shall render a
10 2 statement to each state department or agency for the actual
10 3 cost of operation of all motor vehicles assigned to such
10 4 department or agency, together with a fair proportion of the
10 5 administrative costs for providing fleet management services
10 6 during such month, as determined by the director, ~~all subject~~
~~10 7 to review by the executive council upon complaint of any state~~
~~10 8 department or agency adversely affected~~. Such expenses shall
10 9 be paid by the state departments or agencies in the same
10 10 manner as other expenses of such department are paid, and when
10 11 such expenses are paid, such sums shall be credited to the
10 12 fleet management revolving fund. If any surplus accrues to
10 13 the revolving fund in excess of twenty-five thousand dollars
10 14 for which there is no anticipated need or use, the governor
10 15 may order such surplus transferred to the general fund of the
10 16 state.

10 17 Sec. 23. Section 8A.457, Code 2005, is amended to read as
10 18 follows:

10 19 8A.457 WORKERS' COMPENSATION CLAIMS.

10 20 The director shall employ appropriate staff to handle and
10 21 adjust claims of state employees for workers' compensation
10 22 benefits pursuant to chapters 85, 85A, 85B, and 86, or ~~with~~
~~10 23 the approval of the executive council~~ contract for the
10 24 services or purchase workers' compensation insurance coverage
10 25 for state employees or selected groups of state employees. A
10 26 state employee workers' compensation fund is created in the
10 27 state treasury under the control of the department to pay
10 28 state employee workers' compensation claims and administrative
10 29 costs. The department shall establish a rating formula and
10 30 assess premiums to all agencies, departments, and divisions of
10 31 the state including those which have not received an
10 32 appropriation for the payment of workers' compensation
10 33 insurance and which operate from moneys other than from the
10 34 general fund of the state. The department shall collect the
10 35 premiums and deposit them into the state employee workers'
11 1 compensation fund. Notwithstanding section 8.33, moneys
11 2 deposited in the state employee workers' compensation fund
11 3 shall not revert to the general fund of the state at the end
11 4 of any fiscal year, but shall remain in the state employee
11 5 workers' compensation fund and be continuously available to
11 6 pay state employee workers' compensation claims. The director
11 7 may, to the extent practicable, contract with a private
11 8 organization to handle the processing and payment of claims
11 9 and services rendered under the provisions of this section.

11 10 Sec. 24. Section 8A.512, subsection 2, Code 2005, is
11 11 amended by striking the subsection.

11 12 Sec. 25. Section 11.32, Code 2005, is amended to read as
11 13 follows:

11 14 11.32 CERTIFIED ACCOUNTANTS EMPLOYED.

11 15 Nothing in this chapter will prohibit the auditor of state,
~~11 16 with the prior written permission of the state executive~~
~~11 17 council~~, from employing certified public accountants or
11 18 registered public accountants for specific assignments. Under
11 19 the provision of this section, the auditor of state may employ
11 20 such accountants for any assignment now expressly reserved to
11 21 the auditor of state. Payments, ~~after approval by the~~
~~11 22 executive council~~, will be made to the accountants so employed
11 23 from funds from which the auditor of state would have been
11 24 paid had the auditor of state performed the assignment, ~~or if~~
~~11 25 no such specific funds are indicated, then payment will be~~
~~11 26 made from the funds of the executive council~~.

11 27 Sec. 26. Section 12.8, unnumbered paragraph 1, Code 2005,
11 28 is amended to read as follows:

11 29 The treasurer of state shall invest or deposit, as provided
11 30 by law, any of the public funds not currently needed for
11 31 operating expenses and shall do so upon receipt of monthly
11 32 notice from the director of the department of administrative
11 33 services of the amount not so needed. In the event of loss on
11 34 redemption or sale of securities invested as prescribed by
11 35 law, ~~and if the transaction is reported to the executive~~

~~12 1 council,~~ neither the treasurer nor director of the department
12 2 of administrative services is personally liable but the loss
12 3 shall be charged against the funds which would have received
12 4 the profits or interest of the investment and there is
12 5 appropriated from the funds the amount so required.

12 6 Sec. 27. NEW SECTION. 12.27 ANTICIPATION OF REVENUES.

12 7 The treasurer of state may anticipate the revenues for any
12 8 year, when the current revenues for that year are insufficient
12 9 to pay all warrants issued in that year, by causing state
12 10 warrants, in an amount not exceeding the estimated state
12 11 revenues for that year, and bearing interest at a rate not
12 12 exceeding that permitted by chapter 74A, to be issued,
12 13 advertised, and sold on sealed bids, and to the bidder
12 14 offering the lowest interest rate. All bids and all records
12 15 pertaining thereto shall be kept on file. The treasurer of
12 16 state shall comply with the provisions of chapter 74.

12 17 Sec. 28. Section 12.28, subsection 6, Code 2005, is
12 18 amended to read as follows:

12 19 6. The maximum principal amount of financing agreements
12 20 which the treasurer of state can enter into shall be one
12 21 million dollars per state agency in a fiscal year, subject to
12 22 the requirements of section 8.46. For the fiscal year, the
12 23 treasurer of state shall not enter into more than one million
12 24 dollars of financing agreements per state agency, not
12 25 considering interest expense. However, the treasurer of state
12 26 may enter into financing agreements in excess of the one
12 27 million dollar per agency per fiscal year limit if a
12 28 constitutional majority of each house of the general assembly,
12 29 or the legislative council if the general assembly is not in
12 30 session, and the governor, authorize the treasurer of state to
12 31 enter into additional financing agreements above the one
12 32 million dollar authorization contained in this section. The
12 33 treasurer of state shall not enter into a financing agreement
12 34 for real or personal property which is to be constructed for
12 35 use as a prison or prison-related facility without prior
13 1 authorization by a constitutional majority of each house of
13 2 the general assembly and approval by the governor of the use,
13 3 location, and maximum cost, not including interest expense, of
13 4 the real or personal property to be financed. However,
13 5 financing agreements for an energy conservation measure, as
13 6 defined in section ~~7D.34~~ 8A.111, are exempt from the
13 7 provisions of this subsection, but are subject to the
13 8 requirements of section ~~7D.34~~ 8A.111 or 473.20A. In addition,
13 9 financing agreements funded through the materials and
13 10 equipment revolving fund established in section 307.47 are
13 11 exempt from the provisions of this subsection.

13 12 Sec. 29. Section 12.30, subsection 2, paragraph a, Code
13 13 2005, is amended to read as follows:

13 14 a. Select and fix the compensation for, in consultation
13 15 with the respective authority, through a competitive selection
13 16 procedure, attorneys, accountants, financial advisors, banks,
13 17 underwriters, insurers, and other employees and agents which
13 18 in the treasurer's judgment are necessary to carry out the
13 19 authority's intention. Prior to the initial selection, the
13 20 treasurer shall, after consultation with the authorities,
13 21 establish a procedure which provides for a fair and open
13 22 selection process including, but not limited to, the
13 23 opportunity to present written proposals and personal
13 24 interviews. The treasurer shall maintain a list of firms
13 25 which have requested to be notified of requests for proposal.
13 26 The selection criteria shall take into consideration, but are
13 27 not limited to, compensation, expenses, experience with
13 28 similar issues, scheduling, ability to provide the services of
13 29 individuals with specific knowledge in the relevant subject
13 30 matter and length of the engagement. The treasurer may waive
13 31 the requirements for a competitive selection procedure for any
13 32 specific employment upon written notice to the ~~executive~~
~~13 33 council~~ governor stating why the waiver is in the public
13 34 interest. Upon selection by the treasurer, the authority
13 35 shall promptly employ the individual or firm and be
14 1 responsible for payment of costs.

14 2 Sec. 30. Section 12B.10, subsection 6, paragraph h, Code
14 3 2005, is amended to read as follows:

14 4 h. Investments under the deferred compensation plan

14 5 established by the ~~executive council~~ governor pursuant to
14 6 section 509A.12.

14 7 Sec. 31. Section 12B.10A, subsection 6, paragraph h, Code
14 8 2005, is amended to read as follows:

14 9 h. The deferred compensation plan established by the
14 10 ~~executive council~~ governor pursuant to section 509A.12.

14 11 Sec. 32. Section 12B.10B, subsection 3, paragraph h, Code
14 12 2005, is amended to read as follows:

14 13 h. The deferred compensation plan established by the
14 14 ~~executive council~~ governor pursuant to section 509A.12.

14 15 Sec. 33. Section 12B.10C, subsection 7, Code 2005, is
14 16 amended to read as follows:

14 17 7. The deferred compensation plan established by the
14 18 ~~executive council~~ governor pursuant to section 509A.12.

14 19 Sec. 34. Section 12C.1, subsection 1, Code 2005, is
14 20 amended to read as follows:

14 21 1. All funds held by the following officers or
14 22 institutions shall be deposited in one or more depositories
14 23 first approved by the appropriate governing body as indicated:
14 24 for the treasurer of state, by the ~~executive council~~ governor;
14 25 for judicial officers and court employees, by the supreme
14 26 court; for the county treasurer, recorder, auditor, and
14 27 sheriff, by the board of supervisors; for the city treasurer
14 28 or other designated financial officer of a city, by the city
14 29 council; for the county public hospital or merged area
14 30 hospital, by the board of hospital trustees; for a memorial
14 31 hospital, by the memorial hospital commission; for a school
14 32 corporation, by the board of school directors; for a city
14 33 utility or combined utility system established under chapter
14 34 388, by the utility board; for a library service area
14 35 established under chapter 256, by the library service area
15 1 board of trustees; and for an electric power agency as defined
15 2 in section 28F.2 or 476A.20, by the governing body of the
15 3 electric power agency. However, the treasurer of state and
15 4 the treasurer of each political subdivision or the designated
15 5 financial officer of a city shall invest all funds not needed
15 6 for current operating expenses in time certificates of deposit
15 7 in approved depositories pursuant to this chapter or in
15 8 investments permitted by section 12B.10. The list of public
15 9 depositories and the amounts severally deposited in the
15 10 depositories are matters of public record. This subsection
15 11 does not limit the definition of "public funds" contained in
15 12 subsection 2. Notwithstanding provisions of this section to
15 13 the contrary, public funds of a state government deferred
15 14 compensation plan established by the ~~executive council~~
15 15 governor may also be invested in the investment products
15 16 authorized under section 509A.12.

15 17 Sec. 35. Section 12E.2, subsection 10, Code 2005, is
15 18 amended to read as follows:

15 19 10. "Program plan" means the tobacco settlement program
15 20 plan dated February 14, 2001, including exhibits to the
15 21 program plan, submitted by the authority to the legislative
15 22 council ~~and the executive council~~, to provide the state with a
15 23 secure and stable source of funding for the purposes
15 24 designated by this chapter and section 12.65.

15 25 Sec. 36. Section 12E.9, subsection 5, Code 2005, is
15 26 amended to read as follows:

15 27 5. The authority, the treasurer of state, and the attorney
15 28 general shall report to the legislative council ~~and the~~
15 29 ~~executive council~~ on or before the date of the sale, advising
15 30 them of the status of the sale, its terms, and conditions.

15 31 Sec. 37. Section 13.2, subsection 2, Code 2005, is amended
15 32 to read as follows:

15 33 2. Prosecute and defend in any other court or tribunal,
15 34 all actions and proceedings, civil or criminal, in which the
15 35 state may be a party or interested, when, in the attorney
16 1 general's judgment, the interest of the state requires such
16 2 action, or when requested to do so by the governor, ~~executive~~
16 3 ~~council~~, or general assembly.

16 4 Sec. 38. Section 13.3, Code 2005, is amended to read as
16 5 follows:

16 6 13.3 DISQUALIFICATION == SUBSTITUTE.

16 7 1. If, for any reason, the attorney general be
16 8 disqualified from appearing in any action or proceeding, the
16 9 ~~executive council~~ governor shall appoint some suitable person
16 10 for that purpose and defray the reasonable expense thereof
16 11 from any unappropriated funds in the state treasury. The
16 12 department involved in the action or proceeding shall be
16 13 requested to recommend a suitable person to represent the
16 14 department and when the ~~executive council~~ governor concurs in
16 15 the recommendation, the person recommended shall be appointed.

16 16 2. If the governor or a department is represented by an
16 17 attorney other than the attorney general in a court proceeding
16 18 as provided in this section, at the conclusion of the court
16 19 proceedings, the court shall review the fees charged to the
16 20 state to determine if the fees are fair and reasonable. The
16 21 ~~executive council~~ governor shall not reimburse ~~attorneys+~~
16 22 ~~attorney~~ fees in excess of those determined by the court to be
16 23 fair and reasonable.

16 24 Sec. 39. Section 13.7, Code 2005, is amended to read as
16 25 follows:

16 26 13.7 SPECIAL COUNSEL.

16 27 Compensation shall not be allowed to any person for
16 28 services as an attorney or counselor to an executive
16 29 department of the state government, or the head thereof, or to
16 30 a state board or commission. However, the ~~executive council~~
16 31 governor may employ legal assistance, at a reasonable
16 32 compensation, in a pending action or proceeding to protect the
16 33 interests of the state, but only upon a sufficient showing, in
16 34 writing, made by the attorney general, that the department of
16 35 justice cannot for reasons stated by the attorney general
17 1 perform the service, which reasons and action of the council
17 2 shall be entered upon its records. When the attorney general
17 3 determines that the department of justice cannot perform legal
17 4 service in an action or proceeding, the ~~executive council~~
17 5 governor shall request the department involved in the action
17 6 or proceeding to recommend legal counsel to represent the
17 7 department. If the attorney general concurs with the
17 8 department that the person recommended is qualified and
17 9 suitable to represent the department, the person recommended
17 10 shall be employed. If the attorney general does not concur in
17 11 the recommendation, the department shall submit a new
17 12 recommendation. This section does not affect the general
17 13 counsel for the utilities board of the department of commerce,
17 14 or the legal counsel of the department of workforce
17 15 development.

17 16 Sec. 40. NEW SECTION. 24A.1 STATE APPEAL BOARD ==
17 17 COMPROMISE OF CLAIMS.

17 18 The state appeal board, on a written report to it by the
17 19 attorney general together with the attorney general's opinion
17 20 as to the legal effect of the facts, may determine the terms
17 21 on which claims of doubtful equity or collectibility, and in
17 22 favor of the state, may be compromised and settled with all or
17 23 any of the parties thereto. Such terms may be withdrawn prior
17 24 to acceptance, or in case the debtor fails to comply therewith
17 25 within a reasonable time. The attorney general shall have
17 26 full authority to execute all papers necessary to effect any
17 27 such settlement.

17 28 Sec. 41. NEW SECTION. 24A.2 STATE APPEAL BOARD == COURT
17 29 COSTS.

17 30 If sufficient funds for court costs have not been
17 31 appropriated to a state department, or if sufficient funds are
17 32 not otherwise available for such purposes within the budget of
17 33 a state department, the state appeal board may pay, out of any
17 34 money in the state treasury not otherwise appropriated,
17 35 expenses incurred, or costs taxed to the state, in any
18 1 proceeding brought by or against any of the state departments
18 2 or in which the state is a party or is interested. This
18 3 section shall not be construed to authorize the payment of
18 4 travel or other personal expenses of state officers or
18 5 employees.

18 6 Sec. 42. NEW SECTION. 24A.3 STATE APPEAL BOARD ==
18 7 ALLOCATION TO MANURE STORAGE INDEMNITY FUND.

18 8 If moneys are not sufficient to support the manure storage
18 9 indemnity fund as provided in chapter 459, subchapter V, the
18 10 state appeal board may allocate from moneys in the general
18 11 fund of the state, which are not otherwise obligated or
18 12 encumbered, an amount to the manure storage indemnity fund as
18 13 provided under section 459.501. However, not more than a
18 14 total of one million dollars shall be allocated to the manure
18 15 storage indemnity fund at any time.

18 16 Sec. 43. Section 28D.6, subsection 3, Code 2005, is
18 17 amended to read as follows:

18 18 3. Employees who are detailed to the receiving agency
18 19 shall not by virtue of such detail be considered to be
18 20 employees thereof, except as provided in subsection 4. The
18 21 supervision of the duties of such employees, as well as the
18 22 contribution of each agency to the salary or wage of such
18 23 employees during the period of detail, may be governed by
18 24 agreement between the sending agency and the receiving agency.
18 25 The agreement shall be subject to the approval of the
18 26 ~~executive council~~ director of the department of administrative

18 27 services for state participation and the local governing body
18 28 in the case of an agreement involving a political subdivision
18 29 of the state.

18 30 Sec. 44. Section 29A.27, unnumbered paragraph 8, Code
18 31 2005, is amended to read as follows:

18 32 All payments herein provided for shall be paid on the
18 33 approval of the adjutant general from the contingent fund of
18 34 the ~~executive council state appeal board~~.

18 35 Sec. 45. Section 29A.57, subsection 2, Code 2005, is
19 1 amended to read as follows:

19 2 2. The board may acquire land or real estate by purchase,
19 3 contract for purchase, gift, or bequest and acquire, own,
19 4 contract for the construction of, erect, purchase, maintain,
19 5 alter, operate, and repair installations and facilities of the
19 6 Iowa national guard and the Iowa air national guard when funds
19 7 for the installations and facilities are made available by the
19 8 federal government, the state of Iowa, municipalities,
19 9 corporations or individuals. The title to the property so
19 10 acquired shall be taken in the name of the state of Iowa and
19 11 the real estate may be sold or exchanged by the ~~executive~~
19 12 ~~council department of administrative services~~, upon
19 13 recommendation of the board, when it is no longer needed for
19 14 the purpose for which it was acquired. Income or revenue
19 15 derived from the sale of the real estate shall be credited to
19 16 the national guard facilities improvement fund and used for
19 17 the purposes specified in section 29A.14, subsection 2.

19 18 Sec. 46. Section 29A.57, subsection 7, Code 2005, is
19 19 amended to read as follows:

19 20 7. There is no liability to the state of Iowa under this
19 21 section. Members of the armory board and employees of the
19 22 ~~state executive council department of administrative services~~
19 23 shall not be held to any personal or individual liability for
19 24 any action taken by them under this chapter.

19 25 Sec. 47. Section 29C.20, Code 2005, is amended to read as
19 26 follows:

19 27 29C.20 CONTINGENT FUND == DISASTER AID.

19 28 1. a. A contingent fund is created in the state treasury
19 29 for the use of the ~~executive council state appeal board~~ which
19 30 may be expended for the following purposes:

19 31 (1) Paying the expenses of suppressing an insurrection or
19 32 riot, actual or threatened, when state aid has been rendered
19 33 by order of the governor.

19 34 (2) Repairing, rebuilding, or restoring state property
19 35 injured, destroyed, or lost by fire, storm, theft, or
20 1 unavoidable cause.

20 2 (3) Repairing, rebuilding, or restoring state property
20 3 that is fiberoptic cable and that is injured or destroyed by a
20 4 wild animal.

20 5 (4) Purchasing a police service dog for the department of
20 6 corrections when such a dog is injured or destroyed.

20 7 (5) Paying the expenses incurred by and claims of an urban
20 8 search and rescue team when acting under the authority of the
20 9 administrator and the provisions of section 29C.6 and disaster
20 10 medical assistance teams when acting under the provisions of
20 11 section 135.143.

20 12 (6) (a) Aiding any governmental subdivision in an area
20 13 declared by the governor to be a disaster area due to natural
20 14 disasters or to expenditures necessitated by the governmental
20 15 subdivision toward averting or lessening the impact of the
20 16 potential disaster, where the effect of the disaster or action
20 17 on the governmental subdivision is the immediate financial
20 18 inability to meet the continuing requirements of local
20 19 government.

20 20 (b) Upon application by a governmental subdivision in such
20 21 an area, accompanied by a showing of obligations and
20 22 expenditures necessitated by an actual or potential disaster
20 23 in a form and with further information the ~~executive council~~
20 24 ~~state appeal board~~ requires, the aid may be made in the
20 25 discretion of the ~~executive council state appeal board~~ and, if
20 26 made, shall be in the nature of a loan up to a limit of
20 27 seventy-five percent of the showing of obligations and
20 28 expenditures. The loan, without interest, shall be repaid by
20 29 the maximum annual emergency levy authorized by section 24.6,
20 30 or by the appropriate levy authorized for a governmental
20 31 subdivision not covered by section 24.6. The aggregate total
20 32 of loans shall not exceed one million dollars during a fiscal
20 33 year. A loan shall not be for an obligation or expenditure
20 34 occurring more than two years previous to the application.

20 35 b. When a state department or agency requests that moneys
21 1 from the contingent fund be expended to repair, rebuild, or
21 2 restore state property injured, destroyed, or lost by fire,

21 3 storm, theft, or unavoidable cause, or to repair, rebuild, or
21 4 restore state property that is fiberoptic cable and that is
21 5 injured or destroyed by a wild animal, or to purchase a police
21 6 service dog for the department of corrections when such a dog
21 7 is injured or destroyed, or for payment of the expenses
21 8 incurred by and claims of an urban search and rescue team when
21 9 acting under the authority of the administrator and the
21 10 provisions of section 29C.6, the ~~executive council state~~
21 11 ~~appeal board~~ shall consider the original source of the funds
21 12 for acquisition of the property before authorizing the
21 13 expenditure. If the original source was other than the
21 14 general fund of the state, the department or agency shall be
21 15 directed to utilize moneys from the original source if
21 16 possible. The ~~executive council state appeal board~~ shall not
21 17 authorize the repairing, rebuilding, or restoring of the
21 18 property from the disaster aid contingent fund if it
21 19 determines that moneys from the original source are available
21 20 to finance the project.

21 21 2. The proceeds of such loan shall be applied toward the
21 22 payment of costs and obligations necessitated by such actual
21 23 or potential disaster and the reimbursement of local funds
21 24 from which such expenditures have been made. Any such project
21 25 for repair, rebuilding or restoration of state property for
21 26 which no specific appropriation has been made, shall, before
21 27 work is begun, be subject to approval or rejection by the
21 28 ~~executive council state appeal board~~.

21 29 3. If the president of the United States, at the request
21 30 of the governor, has declared a major disaster to exist in
21 31 this state, the ~~executive council state appeal board~~ may make
21 32 financial grants to meet disaster-related necessary expenses,
21 33 serious needs, or hazard mitigation projects of local
21 34 governments and eligible private nonprofit agencies adversely
21 35 affected by the major disaster if those expenses or needs
22 1 cannot otherwise be met from other means of assistance. The
22 2 amount of the grant shall not exceed ten percent of the total
22 3 eligible expenses and is conditional upon the federal
22 4 government providing at least seventy-five percent for public
22 5 assistance grants and at least fifty percent for hazard
22 6 mitigation grants of the eligible expenses.

22 7 4. If the president, at the request of the governor, has
22 8 declared a major disaster to exist in this state, the
22 9 ~~executive council state appeal board~~ may make financial grants
22 10 to meet disaster-related necessary expenses or serious needs
22 11 of individuals or families adversely affected by a major
22 12 disaster which cannot otherwise adequately be met from other
22 13 means of assistance. The amount of a financial grant shall
22 14 not exceed the maximum federal authorization in the aggregate
22 15 to an individual or family in any single major disaster
22 16 declared by the president. All grants authorized to
22 17 individuals and families will be subject to the federal
22 18 government providing no less than seventy-five percent of each
22 19 grant and the declaration of a major disaster in the state by
22 20 the president of the United States.

22 21 5. If the president, at the request of the governor, has
22 22 declared a major disaster to exist in this state, the
22 23 ~~executive council state appeal board~~ may lease or purchase
22 24 sites and develop such sites to accommodate temporary housing
22 25 units for disaster victims.

22 26 6. For the purposes of this section, "governmental
22 27 subdivision" means any political subdivision of this state.

22 28 Sec. 48. Section 43.73, unnumbered paragraph 1, Code 2005,
22 29 is amended to read as follows:

22 30 Not less than sixty-nine days before the general election
22 31 the state commissioner shall certify to each commissioner,
22 32 under separate party headings, the name of each person
22 33 nominated as shown by the official canvass made by the
22 34 ~~executive council state commissioner~~, or as certified to the
22 35 state commissioner by the proper persons when any person has
23 1 been nominated by a convention or by a party committee, or by
23 2 petition, the office to which the person is nominated, and the
23 3 order in which federal and state offices, judges,
23 4 constitutional amendments, and state public measures shall
23 5 appear on the official ballot.

23 6 Sec. 49. Section 50.37, Code 2005, is amended to read as
23 7 follows:

23 8 50.37 STATE CANVASSING BOARD.

23 9 The ~~executive council shall constitute a board of~~
23 10 ~~canvassers of state canvassing board shall canvass~~ all
23 11 abstracts of votes required to be filed with the state
23 12 commissioner, except for the offices of governor and
23 13 lieutenant governor. Any clerical error found by the

23 14 secretary of state or state board of canvassers shall be
23 15 corrected by the county commissioner in a letter addressed to
23 16 the state board of canvassers. For purposes of this chapter,
23 17 the state canvassing board shall consist of the governor,
23 18 secretary of state, auditor of state, treasurer of state, and
23 19 secretary of agriculture.

23 20 Sec. 50. Section 67.3, Code 2005, is amended to read as
23 21 follows:

23 22 67.3 REFUSAL TO OBEY SUBPOENA == FEES.
23 23 If any witness, duly subpoenaed, refuses to obey said
23 24 subpoena, or refuses to testify, said commission shall certify
23 25 said fact to the district court of the county where the
23 26 investigation is being had and said court shall proceed with
23 27 said witness in the same manner as though said refusal had
23 28 occurred in a legal proceeding before said court or judge.

23 29 Witnesses shall be paid in the manner provided for
23 30 witnesses ~~before the executive council in section 66.28~~ and
23 31 from the same appropriation.

23 32 Sec. 51. Section 67.5, subsection 2, Code 2005, is amended
23 33 by striking the subsection.

23 34 Sec. 52. Section 72.2, Code 2005, is amended to read as
23 35 follows:

24 1 72.2 ~~EXECUTIVE COUNCIL~~ GOVERNOR MAY AUTHORIZE
24 2 INDEBTEDNESS.

24 3 Nothing herein contained shall prevent the incurring of an
24 4 indebtedness on account of support funds for state
24 5 institutions, upon the prior written direction of the
24 6 ~~executive council~~ governor, specifying the items and amount of
24 7 such indebtedness to be increased, and the necessity therefor.

24 8 Sec. 53. Section 74.1, subsection 3, Code 2005, is amended
24 9 to read as follows:

24 10 3. The procedures of this chapter also apply to the
24 11 issuance of anticipatory warrants by the state under section
24 12 ~~7D-8 12.26A~~.

24 13 Sec. 54. Section 75.8, Code 2005, is amended to read as
24 14 follows:

24 15 75.8 SALE OF STATE BONDS.

24 16 All contracts for the sale of bonds issued by the state
24 17 shall be subject to the approval of the ~~executive council~~
24 18 governor.

24 19 Sec. 55. Section 86.8, unnumbered paragraph 2, Code 2005,
24 20 is amended to read as follows:

24 21 Subject to the approval of the director of the department
24 22 of workforce development, the commissioner may enter into
24 23 contracts with any state agency, with or without
24 24 reimbursement, for the purpose of obtaining the services,
24 25 facilities, and personnel of the agency and with the consent
24 26 of any state agency or political subdivision of the state,
24 27 accept and use the services, facilities, and personnel of the
24 28 agency or political subdivision, and employ experts and
24 29 consultants or organizations in order to expeditiously,
24 30 efficiently, and economically effectuate the purposes of this
24 31 chapter. ~~The agreements under this paragraph are subject to~~
24 32 ~~approval by the executive council if approval is required by~~
24 33 ~~law.~~

24 34 Sec. 56. Section 88.2, subsection 4, Code 2005, is amended
24 35 to read as follows:

25 1 4. Subject to the approval of the director of the
25 2 department of workforce development, the labor commissioner
25 3 may enter into contracts with any state agency, with or
25 4 without reimbursement, for the purpose of obtaining the
25 5 services, facilities, and personnel of the agency, and with
25 6 the consent of any state agency or any political subdivision
25 7 of the state, accept and use the services, facilities, and
25 8 personnel of the agency or political subdivision, and employ
25 9 experts and consultants or organizations, in order to
25 10 expeditiously, efficiently, and economically effectuate the
25 11 purposes of this chapter. ~~The agreements under this~~
25 12 ~~subsection are subject to approval of the executive council if~~
25 13 ~~approval is required by law.~~

25 14 Sec. 57. Section 96.13, subsection 3, paragraph c, Code
25 15 2005, is amended to read as follows:

25 16 c. The department may appear before the ~~executive council~~
25 17 state appeal board and request funds to meet unanticipated
25 18 emergencies.

25 19 Sec. 58. Section 99G.21, subsection 3, Code 2005, is
25 20 amended to read as follows:

25 21 3. Notwithstanding any other provision of law, any
25 22 purchase of real property and any borrowing of more than one
25 23 million dollars by the authority shall require written notice
25 24 from the authority to the legislative government oversight

25 25 committees and the prior approval of the executive council.

25 26 Sec. 59. Section 123.8, Code 2005, is amended to read as
25 27 follows:

25 28 123.8 SURETY BONDS.

25 29 Each commission member shall post a bond, at the expense of
25 30 the state, in an amount and with sureties as the ~~executive~~
~~25 31 council state appeal board~~ approves, to guarantee to the state
25 32 the proper handling and accounting of the moneys, merchandise,
25 33 and other properties as required in the administration of this
25 34 chapter. The administrator shall secure from all employees of
25 35 the division holding positions of trust a bond with sureties
26 1 as the alcoholic beverages commission approves adequate to
26 2 guarantee to the state the proper handling and accounting of
26 3 all moneys, merchandise, and other properties.

26 4 Sec. 60. Section 123.37, unnumbered paragraph 2, Code
26 5 2005, is amended to read as follows:

26 6 The administrator may compromise and settle doubtful and
26 7 disputed claims for taxes imposed under this chapter or for
26 8 taxes of doubtful collectibility, notwithstanding section ~~7D-9~~
26 9 24A.1. The administrator may enter into informal settlements
26 10 pursuant to section 17A.10 to compromise and settle doubtful
26 11 and disputed claims for taxes imposed under this chapter. The
26 12 administrator may make a claim under a licensee's or
26 13 permittee's penal bond for taxes of doubtful collectibility.
26 14 Whenever a compromise or settlement is made, the administrator
26 15 shall make a complete record of the case showing the tax
26 16 assessed, reports and audits, if any, the licensee's or
26 17 permittee's grounds for dispute or contest, together with all
26 18 evidence of the dispute or contest, and the amounts,
26 19 conditions, and settlement or compromise of the dispute or
26 20 contest.

26 21 Sec. 61. Section 123.57, Code 2005, is amended to read as
26 22 follows:

26 23 123.57 EXAMINATION OF ACCOUNTS.

26 24 The financial condition and transactions of all offices,
26 25 departments, warehouses, and depots of the division shall be
26 26 examined at least once each year by the state auditor and at
26 27 shorter periods if requested by the administrator, ~~or~~
26 28 governor, ~~or executive council~~.

26 29 Sec. 62. Section 135.83, Code 2005, is amended to read as
26 30 follows:

26 31 135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES,
26 32 AND DATA.

26 33 In furtherance of the department's responsibilities under
26 34 sections 135.76 and 135.78, the director may contract with the
26 35 Iowa hospital association and third-party payers, the Iowa
27 1 health care facilities association and third-party payers, or
27 2 the Iowa association of homes for the aging and third-party
27 3 payers for the establishment of pilot programs dealing with
27 4 prospective rate review in hospitals or health care
27 5 facilities, or both. Such contract ~~shall be subject to the~~
~~27 6 approval of the executive council~~ and shall provide for an
27 7 equitable representation of health care providers, third-party
27 8 payers, and health care consumers in the determination of
27 9 criteria for rate review. No third-party payer shall be
27 10 excluded from positive financial incentives based upon volume
27 11 of gross patient revenues. No state or federal funds
27 12 appropriated or available to the department shall be used for
27 13 any such pilot program.

27 14 Sec. 63. Section 135.143, subsection 4, Code 2005, is
27 15 amended to read as follows:

27 16 4. Upon notification of a compensable loss, the department
27 17 of administrative services shall seek funding from the
27 18 ~~executive council state appeal board~~ for those costs
27 19 associated with covered workers' compensation benefits.

27 20 Sec. 64. Section 135.144, subsection 11, Code 2005, is
27 21 amended to read as follows:

27 22 11. If a public health disaster or other public health
27 23 emergency situation exists which poses an imminent threat to
27 24 the public health, safety, and welfare, the department, in
27 25 conjunction with the governor, may provide financial
27 26 assistance, from funds appropriated to the department that are
27 27 not otherwise encumbered, to political subdivisions as needed
27 28 to alleviate the disaster or the emergency. If the department
27 29 does not have sufficient encumbered funds, the governor may
27 30 ~~request that the executive council, pursuant to the authority~~
~~27 31 of section 7D-29,~~ commit sufficient funds, up to one million
27 32 dollars, that are not otherwise encumbered from the general
27 33 fund, as needed and available, for the disaster or the
27 34 emergency. If additional financial assistance is required in
27 35 excess of one million dollars, approval by the legislative

28 1 council is also required.

28 2 Sec. 65. Section 144.2, Code 2005, is amended to read as
28 3 follows:

28 4 144.2 DIVISION OF RECORDS AND STATISTICS.

28 5 There is established in the department a division for
28 6 records and statistics which shall install, maintain, and
28 7 operate the system of vital statistics throughout the state.
28 8 No system for the registration of births, deaths, fetal
28 9 deaths, adoptions, marriages, dissolutions, and annulments,
28 10 shall be maintained in the state or any of its political
28 11 subdivisions other than the one provided for in this chapter.
28 12 Suitable quarters shall be provided for the division by the
28 13 ~~executive council~~ department of administrative services at the
28 14 seat of government. The quarters shall be properly equipped
28 15 for the permanent and safe preservation of all official
28 16 records made and returned under this chapter.

28 17 Sec. 66. Section 147.102, Code 2005, is amended to read as
28 18 follows:

28 19 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

28 20 Notwithstanding the provisions of this subtitle, every
28 21 application for a license to practice psychology,
28 22 chiropractic, or dentistry shall be made directly to the
28 23 chairperson, executive director, or secretary of the examining
28 24 board of such profession, and every reciprocal agreement for
28 25 the recognition of any such license issued in another state
28 26 shall be negotiated by the examining board for such
28 27 profession. All examination, license, and renewal fees
28 28 received from persons licensed to practice any of such
28 29 professions shall be paid to and collected by the chairperson,
28 30 executive director, or secretary of the examining board of
28 31 such profession, who shall transmit the fees to the treasurer
28 32 of state for deposit into the general fund of the state. The
28 33 salary of the secretary shall be established by the governor
28 34 ~~with the approval of the executive council~~ pursuant to section
28 35 8A.413, subsection 2, under the pay plan for exempt positions
29 1 in the executive branch of government.

29 2 Sec. 67. Section 147.103A, subsection 4, Code 2005, is
29 3 amended to read as follows:

29 4 4. Applications for a license shall be made to the
29 5 chairperson, executive director, or secretary of the board.
29 6 All examination, license, and renewal fees shall be paid to
29 7 and collected by the chairperson, executive director, or
29 8 secretary of the board, who shall transmit the fees to the
29 9 treasurer of state for deposit in the general fund of the
29 10 state. The salary of the executive director of the board
29 11 shall be established by the governor ~~with approval of the~~
29 12 ~~executive council~~ pursuant to section 8A.413, subsection 2,
29 13 under the pay plan for exempt positions in the executive
29 14 branch of government.

29 15 Sec. 68. Section 152.2, Code 2005, is amended to read as
29 16 follows:

29 17 152.2 EXECUTIVE DIRECTOR == ASSISTANTS.

29 18 The board shall appoint a full-time executive director.
29 19 The executive director shall be a registered nurse and shall
29 20 not be a member of the board. The governor, ~~with the approval~~
29 21 ~~of the executive council~~ pursuant to section 8A.413,
29 22 subsection 2, under the pay plan for exempt positions in the
29 23 executive branch of government, shall set the salary of the
29 24 executive director.

29 25 Sec. 69. Section 161E.14, unnumbered paragraph 2, Code
29 26 2005, is amended to read as follows:

29 27 The county auditor shall certify to the ~~executive council~~
29 28 ~~of the state~~ department of management the amounts allocated to
29 29 each school district in the previous year, on January 2 of
29 30 each year. The remaining ten percent of a payment received by
29 31 the county treasurer from the federal government, or as much
29 32 thereof as is deemed necessary by the board of supervisors,
29 33 shall be allocated to the local fire departments of the
29 34 unincorporated villages, townships, and cities of the county
29 35 which are principally affected by the federal flood control
30 1 project involved, to be paid and prorated among them as
30 2 determined by the board of supervisors. If the funds prorated
30 3 to local fire departments in a county are less than ten
30 4 percent of the total county share of such federal payments for
30 5 a year, the amount which exceeds the prorations shall revert
30 6 back to and be divided equally between the secondary road fund
30 7 and the local school district fund.

30 8 Sec. 70. Section 163.15, subsection 1, Code 2005, is
30 9 amended to read as follows:

30 10 1. If the secretary of agriculture determines that the
30 11 outbreak of an infectious or contagious disease among an

30 12 animal population constitutes a threat to the general welfare
30 13 or the public health of the inhabitants of this state, the
30 14 secretary shall formulate a program of eradication which shall
30 15 include the condemnation and destroying of the animals exposed
30 16 to or afflicted with the disease. The program of eradication
30 17 shall provide for the indemnification of owners of the
30 18 livestock under this section, if there are no other sources of
30 19 indemnification. The program shall not be effective until the
30 20 program has been approved by the ~~executive council~~ governor.

30 21 Sec. 71. Section 163.15, subsection 2, paragraph a,
30 22 subparagraphs (3) and (4), Code 2005, are amended to read as
30 23 follows:

30 24 (3) A claim for an indemnity by the owner and a claim for
30 25 compensation and expenses by the appraisers shall be filed
30 26 with the department and submitted by the secretary of
30 27 agriculture to the ~~executive council~~ state appeal board for
30 28 its approval or disapproval.

30 29 (4) Upon approval by the ~~executive council~~ state appeal
30 30 board, there is appropriated to the department from any moneys
30 31 in the general fund of the state not otherwise appropriated
30 32 moneys sufficient to carry out the provisions of this
30 33 paragraph.

30 34 Sec. 72. Section 163.15, subsection 2, paragraph b,
30 35 unnumbered paragraph 1, Code 2005, is amended to read as
31 1 follows:

31 2 A formula established by rule adopted by the department
31 3 that is effective as determined by the department in
31 4 accordance with chapter 17A and applicable upon approval of
31 5 the plan of eradication approved by the ~~executive council~~
31 6 governor. The formula shall be applicable to indemnify owners
31 7 if the ~~executive council~~ governor, upon recommendation by the
31 8 secretary of agriculture, determines that an animal population
31 9 in this state is threatened with infection from an
31 10 exceptionally contagious disease.

31 11 Sec. 73. Section 163.15, subsection 2, paragraph b,
31 12 subparagraph (4), Code 2005, is amended to read as follows:

31 13 (4) Upon approval by the ~~executive council~~ state appeal
31 14 board, there is appropriated to the department from any moneys
31 15 in the general fund of the state not otherwise appropriated
31 16 moneys sufficient to carry out the provisions of this
31 17 paragraph.

31 18 Sec. 74. Section 163.51, subsection 4, paragraph b, Code
31 19 2005, is amended to read as follows:

31 20 b. Upon the request of the ~~executive council~~ state appeal
31 21 board, the department shall develop and submit a plan to the
31 22 ~~executive council~~ state appeal board that compensates an owner
31 23 for property, other than an animal, that is inadvertently
31 24 destroyed by the department as a result of the department's
31 25 regulation of activities in a quarantined area. The plan
31 26 shall not be implemented without the approval of at least
31 27 ~~three~~ two members of the ~~executive council~~ state appeal board.
31 28 The payment of the compensation under the plan shall be made
31 29 in the same manner as provided in section 163.15. The owner
31 30 may submit a claim for compensation prior to the plan's
31 31 implementation. The ~~executive council~~ state appeal board may
31 32 apply the plan retroactively, but not earlier than June 1,
31 33 2001.

31 34 Sec. 75. Section 173.16, unnumbered paragraph 1, Code
31 35 2005, is amended to read as follows:

32 1 All expenses incurred in maintaining the state fairgrounds
32 2 and in conducting the annual fair on it, including the
32 3 compensation and expenses of the officers, members, and
32 4 employees of the board, shall be recorded by the secretary and
32 5 paid from the state fair receipts, unless a specific
32 6 appropriation has been provided for that purpose. The board
32 7 may request special capital improvement appropriations from
32 8 the state and may request emergency funding from the ~~executive~~
32 9 ~~council~~ state appeal board for natural disasters. The board
32 10 may request that the department of transportation provide
32 11 maintenance in accordance with section 307A.2, subsection 11.

32 12 Sec. 76. Section 173.19, Code 2005, is amended to read as
32 13 follows:

32 14 173.19 EXAMINATION OF FINANCIAL AFFAIRS.

32 15 The auditor of state shall annually examine and report to
32 16 the ~~executive council~~ governor all financial affairs of the
32 17 board.

32 18 Sec. 77. Section 233A.6, Code 2005, is amended to read as
32 19 follows:

32 20 233A.6 VISITS.

32 21 ~~Members of the executive council~~ The governor, lieutenant
32 22 governor, secretary of state, auditor of state, treasurer of

32 23 ~~state, secretary of agriculture, the attorney general, the~~
32 24 ~~lieutenant governor,~~ members of the general assembly, judges
32 25 of the supreme and district court and court of appeals,
32 26 magistrates, county attorneys, and persons ordained or
32 27 designated as regular leaders of a religious community are
32 28 authorized to visit the state training school at reasonable
32 29 times. No other person shall be granted admission except by
32 30 permission of the superintendent.

32 31 Sec. 78. Section 257B.6, Code 2005, is amended to read as
32 32 follows:

32 33 257B.6 SALE WITHOUT APPRAISEMENT.

32 34 When the county board of supervisors has once offered for
32 35 sale school lands held under section 257B.1A in compliance
33 1 with the requirements of this chapter, and they remain unsold,
33 2 and it is unable to obtain the appraised value of the lands
33 3 and, in the opinion of the board, it is for the best interests
33 4 of the permanent school fund that the lands be sold for a less
33 5 price, it may instruct the auditor to transmit to the
33 6 secretary of state a certified copy of its proceedings in
33 7 relation to the order of sale of the land and subsequent
33 8 proceedings in relation to the sale, including the action of
33 9 the township trustees, and the price per acre at which the
33 10 land had been appraised. The secretary of state shall submit
33 11 the transcript of the proceedings to the ~~executive council~~
33 12 ~~department of education~~; and if it approves of a sale at a
33 13 less sum, it shall certify the approval to the auditor of the
33 14 county from which the transcript came. The certificate shall
33 15 be recorded in the minute book of the board of supervisors,
33 16 and the land may again be offered and sold to the highest
33 17 bidder without again being appraised, after notice given as in
33 18 case of sales in the first instance.

33 19 Sec. 79. Section 257B.20, subsection 3, Code 2005, is
33 20 amended to read as follows:

33 21 3. In savings accounts or in time deposits in Iowa banks
33 22 approved as depositories by the ~~executive council~~ treasurer of
33 23 state.

33 24 Sec. 80. Section 262.9, subsection 7, Code 2005, is
33 25 amended to read as follows:

33 26 7. With the approval of the ~~executive council~~ governor,
33 27 acquire real estate for the proper uses of said institutions,
33 28 and dispose of real estate belonging to said institutions when
33 29 not necessary for their purposes. A disposal of such real
33 30 estate shall be made upon such terms, conditions and
33 31 consideration as the board may recommend and subject to the
33 32 approval of the ~~executive council~~ governor. If real estate
33 33 subject to sale hereunder has been purchased or acquired from
33 34 appropriated funds, the proceeds of such sale shall be
33 35 deposited with the treasurer of state and credited to the
34 1 general fund of the state. There is hereby appropriated from
34 2 the general fund of the state a sum equal to the proceeds so
34 3 deposited and credited to the general fund of the state to the
34 4 state board of regents which, with the prior approval of the
34 5 ~~executive council~~ governor, may be used to purchase other real
34 6 estate and buildings, and for the construction and alteration
34 7 of buildings and other capital improvements. All transfers
34 8 shall be by state patent in the manner provided by law.

34 9 Sec. 81. Section 262.9, subsection 17, Code 2005, is
34 10 amended to read as follows:

34 11 17. In issuing bonds or notes under this chapter, chapter
34 12 262A, chapter 263A, or other provision of law, select and fix
34 13 the compensation for, through a competitive selection
34 14 procedure, attorneys, accountants, financial advisors, banks,
34 15 underwriters, insurers, and other employees and agents which
34 16 in the board's judgment are necessary to carry out the board's
34 17 intention. Prior to the initial selection, the board shall
34 18 establish a procedure which provides for a fair and open
34 19 selection process including, but not limited to, the
34 20 opportunity to present written proposals and personal
34 21 interviews. The board shall maintain a list of firms which
34 22 have requested to be notified of requests for proposal. The
34 23 selection criteria shall take into consideration, but are not
34 24 limited to, compensation, expenses, experience with similar
34 25 issues, scheduling, ability to provide the services of
34 26 individuals with specific knowledge in the relevant subject
34 27 matter and length of engagement. The board may waive the
34 28 requirements for a competitive selection procedure for any
34 29 specific employment upon adoption of a resolution of the board
34 30 stating why the waiver is in the public interest and shall
34 31 provide the ~~executive council~~ governor with written notice of
34 32 the granting of any such waiver.

34 33 Sec. 82. Section 262.10, unnumbered paragraph 1, Code

34 34 2005, is amended to read as follows:

34 35 No sale or purchase of real estate shall be made save upon
35 1 the order of the board, made at a regular meeting, or one
35 2 called for that purpose, and then in such manner and under
35 3 such terms as the board may prescribe and only with the
35 4 approval of the ~~executive council~~ governor. No member of the
35 5 board or any of its committees, offices or agencies nor any
35 6 officer of any institution, shall be directly or indirectly
35 7 interested in such purchase or sale.

35 8 Sec. 83. Section 262.67, Code 2005, is amended to read as
35 9 follows:

35 10 262.67 APPROVAL OF ~~EXECUTIVE COUNCIL~~ GOVERNOR.

35 11 With the approval of the ~~executive council~~ governor, the
35 12 board is hereby authorized to grant easements for rights of
35 13 way over, across, and under the surface of public lands under
35 14 its jurisdiction when in its judgment such easements are
35 15 desirable and will benefit the state of Iowa.

35 16 Sec. 84. Section 263B.8, Code 2005, is amended to read as
35 17 follows:

35 18 263B.8 CEMETERY FOR ANCIENT REMAINS.

35 19 The state archaeologist shall establish, ~~with the approval~~
35 20 ~~of the executive council~~, a cemetery on existing state lands
35 21 for the reburial of ancient human remains found in the state.
35 22 The cemetery shall not be open to the public. The state
35 23 archaeologist in ~~co-operation~~ cooperation with the department
35 24 of natural resources shall be responsible for ~~co-ordinating~~
35 25 coordinating interment in the cemetery.

35 26 Sec. 85. Section 297.30, Code 2005, is amended to read as
35 27 follows:

35 28 297.30 PUBLIC SALE.

35 29 If the owner of the tract from which said site was taken
35 30 fails to pay the amount of such appraisement to ~~such executive~~
35 31 ~~council~~ the treasurer of state within thirty days after the
35 32 filing of the same with the sheriff, the ~~executive council~~
35 33 treasurer of state may sell said site or building to any other
35 34 person at the appraised value, or may sell the same at public
35 35 sale to the highest bidder and the proceeds of such sale are
36 1 to be added to the permanent school fund of the state.

36 2 Sec. 86. Section 307.45, unnumbered paragraph 3, Code
36 3 2005, is amended to read as follows:

36 4 Assessments against property owned by the state and not
36 5 under the jurisdiction and control of the department's
36 6 administrator of highways shall be made in the same manner as
36 7 those made against private property and payment shall be made
36 8 by the ~~executive council~~ state appeal board from any funds of
36 9 the state not otherwise appropriated.

36 10 Sec. 87. Section 313A.24, Code 2005, is amended to read as
36 11 follows:

36 12 313A.24 SALE OF EXCESS LAND TO POLITICAL SUBDIVISIONS.

36 13 If the department deems that any land, including
36 14 improvements thereon, is no longer required for toll bridge
36 15 purposes and that it is in the public interest, it may
36 16 negotiate for the sale of such land to the state or to any
36 17 city, county, or other political subdivision or municipal
36 18 corporation of the state. The department shall certify the
36 19 agreement for the sale to the ~~state executive council~~
36 20 department of administrative services, with a description of
36 21 the land and the terms of the sale and the ~~state executive~~
36 22 ~~council~~ department of administrative services may execute the
36 23 deed and deliver it to the grantee.

36 24 Sec. 88. Section 313A.26, Code 2005, is amended to read as
36 25 follows:

36 26 313A.26 ACCEPTANCE OR REJECTION OF BIDS.

36 27 The department may reject all such bids if the highest bid
36 28 does not equal the reasonable fair market value of the real
36 29 property, plus the value of the improvements thereon, computed
36 30 on the basis of the reproduction value less depreciation. The
36 31 department may accept the highest and best bid, and certify
36 32 the agreement for the sale to the ~~state executive council~~
36 33 department of administrative services, with a description of
36 34 the land and the terms of the sale and the ~~state executive~~
36 35 ~~council~~ department of administrative services shall execute
37 1 the deed and deliver it to the grantee.

37 2 Sec. 89. Section 357.27, Code 2005, is amended to read as
37 3 follows:

37 4 357.27 PUBLIC PROPERTY IN DISTRICT.

37 5 Whenever property of the state of Iowa, or any political
37 6 subdivision thereof, shall be included either wholly or in
37 7 part within such water district and shall own facilities which
37 8 may be used as a part of such water system, the ~~executive~~
37 9 ~~council~~ department of administrative services, board of

37 10 supervisors, or city council, as the case may be, may permit
37 11 such use of said facilities for such consideration and on such
37 12 terms as may be agreed upon with the board of trustees.

37 13 Sec. 90. Section 384.56, subsections 1 and 3, Code 2005,
37 14 are amended to read as follows:

37 15 1. Cities may assess the cost of a public improvement
37 16 which extends through, abuts upon, or is adjacent to lands
37 17 owned by the state, and the ~~executive council state appeal~~
37 18 ~~board~~ shall pay the assessable portion of the cost of the
37 19 improvement through or along the lands as provided. The
37 20 ~~executive council state appeal board~~ shall pay assessments as
37 21 provided in section 307.45.

37 22 3. When any portion of the cost of a public improvement is
37 23 to be paid by the state under this section, the clerk shall,
37 24 at the time of publication of the notice required by section
37 25 384.50, mail a copy of the notice to the ~~secretary of the~~
37 26 ~~executive council state appeal board~~.

37 27 Sec. 91. Section 421.5, Code 2005, is amended to read as
37 28 follows:

37 29 421.5 SETTling DOUBTFUL CLAIMS FOR TAXES.

37 30 The director may compromise and settle doubtful and
37 31 disputed claims for taxes or refunds or tax liability of
37 32 doubtful collectibility notwithstanding the provisions of
37 33 section ~~7D-9 24A.1~~. Whenever such a compromise and settlement
37 34 is made, the director shall make a complete record of the case
37 35 showing the tax assessed or claimed due, tax refund claimed,
38 1 recommendations, reports, and audits of departmental personnel
38 2 if any, the taxpayer's grounds for dispute or contest together
38 3 with all evidence thereof, and the amounts, conditions, and
38 4 settlement or compromise of same.

38 5 Sec. 92. Section 441.73, subsections 2, 3, and 4, Code
38 6 2005, are amended to read as follows:

38 7 2. If the director of revenue determines that foreseeable
38 8 litigation expenses will exceed the amount available from
38 9 appropriations made to the department of revenue, the director
38 10 of revenue may apply to the ~~executive council state appeal~~
38 11 ~~board~~ for use of funds on deposit in the litigation expense
38 12 fund. The initial application for approval shall include an
38 13 estimate of potential litigation expenses, allocated to each
38 14 of the next four succeeding calendar quarters and
38 15 substantiated by a breakdown of all anticipated costs for
38 16 legal counsel, expert witnesses, and other applicable
38 17 litigation expenses.

38 18 3. The ~~executive council state appeal board~~ may approve
38 19 expenditures from the litigation expense fund on a quarterly
38 20 basis. Prior to each quarter, the director of revenue shall
38 21 report to the ~~executive council state appeal board~~ and give a
38 22 full accounting of actual litigation expenses to date as well
38 23 as estimated litigation expenses for the remaining calendar
38 24 quarters of the fiscal year. The ~~executive council state~~
38 25 ~~appeal board~~ may adjust quarterly expenditures from the
38 26 litigation expense fund based on this information.

38 27 4. The ~~executive council state appeal board~~ shall transfer
38 28 for the fiscal year beginning July 1, 1992, and each fiscal
38 29 year thereafter, from funds established in sections 425.1 and
38 30 426.1, an amount necessary to pay litigation expenses. The
38 31 amount of the fund for each fiscal year shall not exceed seven
38 32 hundred thousand dollars. The ~~executive council state appeal~~
38 33 ~~board~~ shall determine annually the proportionate amounts to be
38 34 transferred from the two separate funds. At any time when no
38 35 litigation is pending or in progress the balance in the
39 1 litigation expense fund shall not exceed one hundred thousand
39 2 dollars. Any excess moneys shall be transferred in a
39 3 proportionate amount back to the funds from which they were
39 4 originally transferred.

39 5 Sec. 93. Section 450.6, unnumbered paragraph 2, Code 2005,
39 6 is amended to read as follows:

39 7 Upon the approval of the ~~executive council~~, the The tax
39 8 liability of a beneficiary, heir, surviving joint tenant or
39 9 other transferee may be paid, in lieu of money, in whole or in
39 10 part by the transfer of real property or tangible personal
39 11 property to the state or a political subdivision of the state
39 12 to be used for public purposes. Before the tax liability may
39 13 be paid by transfer of property to the state, the director of
39 14 revenue shall approve the transfer. Before the tax liability
39 15 may be paid by transfer of property to a political
39 16 subdivision, the governing body of the political subdivision
39 17 shall also approve the transfer. The property transferred in
39 18 payment of tax shall have been included in the decedent's
39 19 gross estate for inheritance tax purposes and its value for
39 20 the payment of the tax shall be the same as its value for

39 21 inheritance tax purposes. ~~The acceptance or rejection of the~~
39 22 ~~property in payment of the tax liability and the value of the~~
39 23 ~~property shall be certified by the executive council to the~~
39 24 ~~director of revenue.~~ The acceptance of the property
39 25 transferred acts as payment and satisfaction of the
39 26 inheritance tax liability to the extent of the value of the
39 27 transferred property, but notwithstanding any other provision,
39 28 the taxpayer is not entitled to a refund if the transferred
39 29 property has a value in excess of the tax liability.

39 30 Sec. 94. Section 455A.10, Code 2005, is amended to read as
39 31 follows:

39 32 455A.10 STATE FISH AND GAME PROTECTION FUND == CAPITAL
39 33 PROJECTS AND CONTINGENCIES.

39 34 Funds remaining in the state fish and game protection fund
39 35 during a fiscal year which are not specifically appropriated
40 1 by the general assembly are appropriated and may be used for
40 2 capital projects and contingencies under the jurisdiction of
40 3 the department relating to fish and wildlife arising during
40 4 the fiscal year. A contingency shall not include any purpose
40 5 or project which was presented to the general assembly by way
40 6 of a bill or a proposed bill and which failed to be enacted
40 7 into law. For the purpose of this section, a necessity of
40 8 additional operating funds may be construed as a contingency.
40 9 Before any of the funds authorized to be expended by this
40 10 section are allocated for contingencies, it shall be
40 11 determined by the ~~executive council~~ governor that a
40 12 contingency exists and that the contingency was not existent
40 13 while the general assembly was in session and that the
40 14 proposed allocation shall be for the best interests of the
40 15 state. If a contingency arises or could reasonably be
40 16 foreseen during the time the general assembly is in session,
40 17 expenditures for the contingency must be authorized by the
40 18 general assembly.

40 19 Sec. 95. Section 458A.21, unnumbered paragraph 1, Code
40 20 2005, is amended to read as follows:

40 21 The state, counties and cities and other political
40 22 subdivisions may lease publicly owned lands under their
40 23 respective jurisdictions for the purpose of oil or gas or
40 24 metallic minerals exploration and production. Any such leases
40 25 shall be entered into on behalf of the state by the ~~executive~~
40 26 ~~council~~ department of natural resources, on behalf of a county
40 27 by the board of supervisors, on behalf of a city by the
40 28 council and on behalf of another political subdivision by the
40 29 governing body. The leases shall be upon terms and conditions
40 30 as agreed upon.

40 31 Sec. 96. Section 459.501, subsection 5, Code 2005, is
40 32 amended to read as follows:

40 33 5. The following shall apply to moneys in the fund:

40 34 a. The ~~executive council~~ state appeal board may allocate
40 35 moneys from the general fund of the state as provided in
41 1 section ~~7D-10A 24A.3~~ in an amount necessary to support the
41 2 fund, including payment of claims as provided in section
41 3 459.505. However, an allocation of moneys from the general
41 4 fund of the state shall be made only if the amount of moneys
41 5 in the fund, which are not obligated or encumbered, and not
41 6 counting the department's estimate of the cost to the fund for
41 7 pending or unsettled claims and any amount required to be
41 8 credited to the general fund of the state under this
41 9 subsection, is less than one million dollars.

41 10 b. The department shall credit an amount to the general
41 11 fund of the state which is equal to an amount allocated to the
41 12 fund by the ~~executive council~~ state appeal board under
41 13 paragraph "a". The department shall credit the moneys to the
41 14 general fund of the state if the moneys in the fund which are
41 15 not obligated or encumbered, and not counting the department's
41 16 estimate of the cost to the fund for pending or unsettled
41 17 claims and any amount required to be transferred to the
41 18 general fund under this paragraph, are in excess of two
41 19 million five hundred thousand dollars. The department is not
41 20 required to credit the total amount to the general fund of the
41 21 state during any one fiscal year.

41 22 Sec. 97. Section 461A.14, Code 2005, is amended to read as
41 23 follows:

41 24 461A.14 REVERSION OF GIFT.

41 25 If the lands transferred to the state as a gift, or if
41 26 lands purchased in whole or in part by the state from moneys
41 27 given for that purpose, shall be abandoned or sold and not
41 28 used for state park purposes, the donor shall reclaim the land
41 29 or funds donated by filing the donor's request in writing with
41 30 the ~~executive council~~ department of natural resources within
41 31 six months of the time of the abandonment or sale by the state

41 32 of such lands, but no interest or other charge shall be
41 33 demanded of or paid by the state. Any unclaimed funds shall
41 34 be used for park purposes.

41 35 Sec. 98. Section 461A.15, Code 2005, is amended to read as
42 1 follows:

42 2 461A.15 USE OF PRIVATE FUNDS.

42 3 The commission may permit the improvement of parks, when
42 4 established, or the improvement of bodies of water, upon the
42 5 border of which such parks may be established, by the
42 6 expenditure of private funds, such improvement to be done,
42 7 however, under the direction of the commission, ~~by and with~~
42 8 ~~the consent of the executive council.~~

42 9 Sec. 99. Section 461A.18, Code 2005, is amended to read as
42 10 follows:

42 11 461A.18 JURISDICTION.

42 12 Jurisdiction over all meandered streams and lakes of this
42 13 state and of state lands bordering thereon, not now used by
42 14 some other state body for state purposes, is conferred upon
42 15 the commission. The exercise of this jurisdiction is subject
42 16 to the approval of the department in matters relating to or in
42 17 any manner affecting flood control. The commission, ~~with the~~
42 18 ~~approval of the executive council,~~ may establish parts of the
42 19 property into state parks, and when so established all of the
42 20 provisions of this chapter relative to public parks apply to
42 21 the property.

42 22 Sec. 100. Section 461A.22, Code 2005, is amended to read
42 23 as follows:

42 24 461A.22 SURVEYS AND PLATS.

42 25 All surveys and plats shall be filed with the ~~secretary of~~
42 26 ~~the executive council department of natural resources,~~ and
42 27 shall become public records of this state.

42 28 Sec. 101. Section 461A.25, unnumbered paragraph 1, Code
42 29 2005, is amended to read as follows:

42 30 The commission may recommend that the ~~executive council~~
42 31 ~~department of natural resources~~ lease property under the
42 32 commission's jurisdiction. All leases shall reserve to the
42 33 public of the state the right to enter upon the property
42 34 leased for any lawful purpose. The ~~council department~~ may, if
42 35 it approves the recommendation and the lease to be entered
43 1 into is for five years or less, execute the lease in behalf of
43 2 the state and commission. If the recommendation is for a
43 3 lease in excess of five years, with the exception of
43 4 agricultural lands specifically dealt with in Article I,
43 5 section 24 of the Constitution of the State of Iowa, the
43 6 ~~council department~~ shall advertise for bids. If a bid is
43 7 accepted, the lease shall be let or executed by the council in
43 8 accordance with the most desirable bid. The lease shall not
43 9 be executed for a term longer than fifty years. Any such
43 10 leasehold interest, including any improvements placed on it,
43 11 shall be listed on the tax rolls as provided in chapters 428
43 12 and 443; assessed and valued as provided in chapter 441; taxes
43 13 shall be levied on it as provided in chapter 444 and collected
43 14 as provided in chapter 445; and the leasehold interest is
43 15 subject to tax sale, redemption, and apportionment of taxes as
43 16 provided in chapters 446, 447 and 448. The lessee shall
43 17 discharge and pay all taxes.

43 18 Sec. 102. Section 461A.31, Code 2005, is amended to read
43 19 as follows:

43 20 461A.31 SALE OF ISLANDS.

43 21 No islands in any of the meandered streams and lakes of
43 22 this state or in any of the waters bordering upon this state
43 23 shall hereafter be sold, except with the majority vote ~~of the~~
43 24 ~~executive council upon the majority recommendation~~ of the
43 25 commission, and in the event any of such islands are sold as
43 26 herein provided the proceeds thereof shall become a part of
43 27 the funds to be expended under the terms and provisions of
43 28 this chapter.

43 29 Sec. 103. Section 461A.32, unnumbered paragraph 2, Code
43 30 2005, is amended to read as follows:

43 31 Upon request by resolution of any city or county or any
43 32 legal agency thereof, the ~~executive council commission~~ may,
43 33 ~~upon majority recommendation of the commission,~~ convey without
43 34 consideration to such city or county or legal agency thereof,
43 35 such public lands under the jurisdiction of the commission as
44 1 in its judgment may be desirable for city or county parks.
44 2 Conveyance shall be in the name of the state, with the great
44 3 seal of the state attached and shall contain a provision that
44 4 when such lands cease to be used as public park by said city,
44 5 or county such lands revert to the state, and such park shall,
44 6 within one year after such land has reverted to the state, be
44 7 restored, as nearly as possible, to the condition it was in

44 8 when acquired by such city, county or legal agency thereof at
44 9 the expense of such city, county or legal agency.

44 10 Sec. 104. Section 461A.34, Code 2005, is amended to read
44 11 as follows:

44 12 461A.34 POWERS IN MUNICIPALITIES.

44 13 Municipalities, or individuals, or corporations organized
44 14 for that purpose only, acting separately or in conjunction
44 15 with each other, may establish like parks outside the limits
44 16 of cities, and when established without the support of the
44 17 public state parks fund, the municipalities, corporations, or
44 18 persons establishing the same, as the case may be, shall have
44 19 control thereof ~~independently of the executive council~~; but
44 20 none of the said municipalities, individuals, or corporations,
44 21 acting under the provisions of this section shall establish,
44 22 maintain or operate any such park as herein contemplated for
44 23 pecuniary profit.

44 24 Sec. 105. Section 461A.59, Code 2005, is amended to read
44 25 as follows:

44 26 461A.59 POWERS IN MUNICIPALITIES.

44 27 Municipalities or corporations organized for that purpose
44 28 only, acting separately or in conjunction with each other in
44 29 counties not having a county conservation board, may establish
44 30 water recreational areas and when established without the
44 31 support of public funds of the state of Iowa, the
44 32 municipalities or corporations establishing the same, as the
44 33 case may be, shall have control thereof ~~independently of the~~
44 34 ~~executive council~~.

44 35 Sec. 106. Section 461A.75, Code 2005, is amended to read
45 1 as follows:

45 2 461A.75 CONDEMNATION OF LAND.

45 3 Whenever a permit has been granted as provided in section
45 4 461A.70 and the commission finds that the municipality or
45 5 corporation owning such permit cannot acquire at a reasonable
45 6 cost any necessary land or interest therein, the commission
45 7 ~~with the approval of the executive council~~, may condemn such
45 8 land or interest therein as provided in chapter 6B. However,
45 9 such condemnation shall be limited to land and interests
45 10 therein which will be permanently subject to and available for
45 11 free public access and use, as provided in section 461A.71, or
45 12 which will be required for a dam or other facilities necessary
45 13 for the water recreational area. All costs of such
45 14 condemnation, including all costs occasioned by appeal as set
45 15 out in section 6B.33, and including the award and compensation
45 16 for such land or interest therein, shall be paid by such
45 17 municipality or corporation. The commission may permit such
45 18 municipality or corporation to use such land or interest
45 19 therein for the purposes of this division, upon such terms,
45 20 conditions and restrictions as the commission shall determine
45 21 to be just and proper and for free public access and use.
45 22 Title to such land or interest therein shall remain in the
45 23 state of Iowa.

45 24 Sec. 107. Section 468.43, unnumbered paragraph 4, Code
45 25 2005, is amended to read as follows:

45 26 The assessments against lands under the jurisdiction of the
45 27 department of natural resources shall be paid by the ~~executive~~
45 28 ~~council state appeal board~~ upon certification of the amount by
45 29 the county treasurer. There is appropriated from any funds in
45 30 the general fund of the state not otherwise appropriated
45 31 amounts sufficient to pay the certified assessments.

45 32 Sec. 108. Section 468.220, unnumbered paragraph 2, Code
45 33 2005, is amended to read as follows:

45 34 In the case of lands lying within the beds of meandered
45 35 streams and border streams the permission shall be obtained
46 1 from the natural resource commission of the department of
46 2 natural resources. In the case of lands that are under the
46 3 control of no office or agency of the state, then the
46 4 permission shall be obtained from the ~~executive council~~
46 5 ~~department of natural resources~~.

46 6 Sec. 109. Section 469A.1, Code 2005, is amended to read as
46 7 follows:

46 8 469A.1 CERTIFICATE OF CONVENIENCE AND NECESSITY.

46 9 It shall be unlawful for any person, firm, association or
46 10 corporation to engage in the business of constructing,
46 11 maintaining or operating within this state any hydroelectric
46 12 generating plant or project without first having obtained from
46 13 the ~~executive council of Iowa~~ utilities board a certificate of
46 14 convenience and necessity declaring that the public
46 15 convenience and necessity require such construction,
46 16 maintenance or operation.

46 17 Sec. 110. Section 469A.2, Code 2005, is amended to read as
46 18 follows:

46 19 469A.2 PUBLIC HEARING.

46 20 No certificate of convenience and necessity shall be issued
46 21 by the ~~executive council utilities board~~ except after a public
46 22 hearing thereon. The ~~executive council utilities board~~ shall,
46 23 upon the filing of an application for such a certificate, fix
46 24 the time of the public hearing thereon and shall prescribe the
46 25 notice which shall be given by the applicant. Any interested
46 26 person, firm, association, corporation, municipality, state
46 27 board or commission may intervene and participate in such
46 28 proceeding and at such hearing.

46 29 Sec. 111. Section 469A.3, Code 2005, is amended to read as
46 30 follows:

46 31 469A.3 PUBLIC WELFARE PROMOTED.

46 32 Before the ~~executive council utilities board~~ shall issue a
46 33 certificate of convenience and necessity, it shall first be
46 34 satisfied that the public convenience and necessity will be
46 35 promoted thereby, that the applicant has the financial ability
47 1 to carry out the terms and conditions imposed, and the
47 2 applicant has in writing agreed to accept, abide by and comply
47 3 with such reasonable terms and conditions as the ~~executive~~
47 4 ~~council utilities board~~ may require and impose.

47 5 Sec. 112. Section 469A.4, Code 2005, is amended to read as
47 6 follows:

47 7 469A.4 RULES IMPOSED.

47 8 The ~~executive council utilities board~~ shall prescribe such
47 9 rules as it may determine necessary for the administration of
47 10 the provisions of this chapter and may amend such rules at any
47 11 time.

47 12 Sec. 113. Section 469A.5, Code 2005, is amended to read as
47 13 follows:

47 14 469A.5 COSTS ADVANCED.

47 15 The ~~executive council utilities board~~ shall, upon the
47 16 filing of an application, require the applicant to deposit
47 17 with the ~~secretary of the executive council utilities board~~
47 18 such amount as the ~~council board~~ shall determine, to pay the
47 19 expenses to be incurred by the ~~executive council utilities~~
47 20 ~~board~~ in its investigations and in conducting the proceedings,
47 21 and the ~~executive council utilities board~~ may, from time to
47 22 time as it deems necessary, require the deposit of additional
47 23 amounts for such purpose.

47 24 Sec. 114. Section 469A.6, Code 2005, is amended to read as
47 25 follows:

47 26 469A.6 AMENDMENT OR REVOCATION.

47 27 The ~~executive council utilities board~~ may at any time for
47 28 just cause or upon the failure of the applicant to comply with
47 29 and to obey the terms and conditions attached to the issuance
47 30 of any certificate, or when the public convenience and
47 31 necessity demands, alter, amend or revoke any certificate
47 32 issued under the provisions of this chapter.

47 33 Sec. 115. Section 469A.8, Code 2005, is amended to read as
47 34 follows:

47 35 469A.8 UNLAWFUL COMBINATION == RECEIVERSHIP.

48 1 The state may take possession of a dam for which a permit
48 2 has been issued under section 455B.275 through receivership
48 3 proceedings, if the dam becomes owned, leased, trustee, or
48 4 possessed, or controlled by a person in a manner constituting
48 5 an unlawful combination or trust, or if the dam is the subject
48 6 or part of the subject of an agreement to limit the output of
48 7 hydraulic or hydroelectric power derived from the dam for the
48 8 purpose of price fixing. The receivership proceedings must be
48 9 instituted by the ~~executive council utilities board~~, and shall
48 10 be conducted for the purpose of disposing of the dam for a
48 11 lawful use. The proceeds from the disposition shall be used
48 12 to reimburse the state for expenses incurred in the
48 13 receivership. The remaining proceeds shall be awarded to
48 14 persons found by the court to be entitled to the proceeds.

48 15 Sec. 116. Section 470.3, subsection 2, Code 2005, is
48 16 amended to read as follows:

48 17 2. A public agency or a person preparing a life cycle cost
48 18 analysis for a public agency shall consider the methods and
48 19 analytical models provided by the department and available
48 20 through the commissioner, which are suited to the purpose for
48 21 which the project is intended. Within sixty days of final
48 22 selection of a design architect or engineer, a public agency,
48 23 which is also a state agency under section ~~7D-34 8A.111~~, shall
48 24 notify the commissioner and the department of the methodology
48 25 to be used to perform the life cycle cost analysis, on forms
48 26 provided by the department.

48 27 Sec. 117. Section 470.7, Code 2005, is amended to read as
48 28 follows:

48 29 470.7 LIFE CYCLE COST ANALYSIS == APPROVAL.

48 30 The public agency responsible for the new construction or
48 31 renovation of a public facility shall submit a copy of the
48 32 life cycle cost analysis for review by the commissioner who
48 33 shall consult with the department. If the public agency is
48 34 also a state agency under section ~~7D.34~~ 8A.111, comments by
48 35 the department or the commissioner, including any
49 1 recommendation for changes in the analysis, shall, within
49 2 thirty days of receipt of the analysis, be forwarded in
49 3 writing to the public agency. If either the department or the
49 4 commissioner disagrees with any aspects of the life cycle cost
49 5 analysis, the public agency affected shall timely respond in
49 6 writing to the commissioner and the department. The response
49 7 shall indicate whether the agency intends to implement the
49 8 recommendations and, if the agency does not intend to
49 9 implement them, the public agency shall present its reasons.
49 10 The reasons may include, but are not limited to, a description
49 11 of the purpose of the facility or renovation, preservation of
49 12 historical architectural features, architectural and site
49 13 considerations, and health and safety concerns.

49 14 Within thirty days of receipt of the response of the public
49 15 agency affected, the department, the commissioner, or both,
49 16 shall notify in writing the public agency affected of the
49 17 department's, the commissioner's, or both's agreement or
49 18 disagreement with the response. In the event of a
49 19 disagreement, the department, the commissioner, or both, shall
49 20 at the same time transmit the notification of disagreement
49 21 with response and related papers to the ~~executive council~~
49 22 department of administrative services for resolution pursuant
49 23 to section ~~7D.34~~ 8A.111. The life cycle cost analysis
49 24 process, including submittal and approval, and implementation
49 25 exemption requests pursuant to section 470.8, shall be
49 26 completed prior to the letting of contracts for the
49 27 construction or renovation of a facility.

49 28 Sec. 118. Section 473.12, subsection 2, Code 2005, is
49 29 amended to read as follows:

49 30 2. The department may, pursuant to section ~~7D.34~~ 8A.111,
49 31 reduce the cost of financing for implementation of the energy
49 32 conservation measures identified, through funds deposited in
49 33 the state of Iowa facilities improvement corporation
49 34 established by the department. In order for the state board
49 35 of regents to receive financing under section ~~7D.34~~ 8A.111,
50 1 the department shall require completion of an energy
50 2 management plan, including an energy audit and a comprehensive
50 3 engineering analysis.

50 4 Sec. 119. Section 473.13, subsection 2, Code 2005, is
50 5 amended to read as follows:

50 6 2. The department may, pursuant to section ~~7D.34~~ 8A.111,
50 7 reduce the cost of financing for implementation of the energy
50 8 conservation measures identified, through funds deposited in
50 9 the state of Iowa facilities improvement corporation
50 10 established by the department. In order for the state
50 11 department of transportation to receive financing, the
50 12 department shall require completion of an energy management
50 13 plan, including an energy audit and a comprehensive
50 14 engineering analysis.

50 15 Sec. 120. Section 492.2, Code 2005, is amended to read as
50 16 follows:

50 17 492.2 EFFECT OF VIOLATION.

50 18 Any certificate of stock issued, delivered, or transferred
50 19 in violation of section 492.1 when the corporation has not
50 20 received payment therefor at par in money or property ~~at a~~
50 21 ~~valuation approved by the executive council~~, shall be void,
50 22 and the issuance, delivery, or transfer of each certificate
50 23 shall be considered a separate transaction.

50 24 Sec. 121. Section 492.6, unnumbered paragraph 1, Code
50 25 2005, is amended to read as follows:

50 26 If it is proposed to pay for said capital stock in property
50 27 or in any other thing than money, the corporation proposing
50 28 the same must, before issuing capital stock in any form, apply
50 29 to the ~~executive council~~ treasurer of the state for leave so
50 30 to do. Such application shall state the amount of capital
50 31 stock proposed to be issued for a consideration other than
50 32 money, and set forth specifically the property or other thing
50 33 to be received in payment for such stock, providing that the
50 34 foregoing provision shall not apply to trust companies or
50 35 insurance companies organized under the laws of this state.

51 1 Sec. 122. Section 492.7, Code 2005, is amended to read as
51 2 follows:

51 3 ~~EXECUTIVE COUNCIL~~ TREASURER TO FIX AMOUNT.

51 4 The ~~executive council~~ treasurer of state or the
51 5 commissioner of insurance, as the case may be, shall make

51 6 investigation, under such rules as it may prescribe, and
51 7 ascertain the real value of the property or other thing which
51 8 the corporation is to receive for the stock. It shall enter
51 9 its finding, fixing the value at which the corporation may
51 10 receive the same in payment for capital stock; and no
51 11 corporation shall issue capital stock for the said property or
51 12 thing in a greater amount than the value so fixed.

51 13 Sec. 123. Section 497.13, Code 2005, is amended to read as
51 14 follows:

51 15 497.13 ISSUE OF SHARES AS PAYMENT.

51 16 Whenever an association created under this chapter shall
51 17 purchase the business of another association, person, or
51 18 persons, it may pay for the same in whole or in part by
51 19 issuing to the selling association or person shares of its
51 20 capital stock to an amount, which at fair market value as
51 21 determined by the ~~executive council~~ treasurer of state, would
51 22 equal the fair market value of the business so purchased as
51 23 determined by the ~~executive council~~ treasurer of state as in
51 24 cases of other corporations.

51 25 Sec. 124. Section 509A.5, unnumbered paragraph 2, Code
51 26 2005, is amended to read as follows:

51 27 Any interest earnings from investments or time deposits of
51 28 the funds under the control of the ~~state executive council~~
51 29 governor shall be deposited to the credit of these funds.

51 30 Sec. 125. Section 509A.11, subsection 1, Code 2005, is
51 31 amended to read as follows:

51 32 1. "Governing body" means the ~~executive council of the~~
51 33 ~~state governor~~, the school boards of school districts, and the
51 34 superintendent or other person in charge of an institution
51 35 supported in whole or in part by public funds.

52 1 Sec. 126. Section 534.515, subsections 2, 6, and 13, Code
52 2 2005, are amended to read as follows:

52 3 2. STATEMENT OF RESOURCES, LIABILITIES, AND PLAN. Every
52 4 such unincorporated organization, association, society,
52 5 partnership, or individual conducting and carrying on the
52 6 business defined in this section shall, before transacting any
52 7 business in this state, submit to the ~~executive council~~
52 8 secretary of state a full and complete sworn statement of the
52 9 resources and liabilities of such organization, association,
52 10 society, partnership, or individual, and of the proposed plan
52 11 or method of doing business.

52 12 Sec. 127. Section 534.515, subsection 6, Code 2005, is
52 13 amended to read as follows:

52 14 6. APPROVAL == CERTIFICATE OF AUTHORITY. If the ~~executive~~
52 15 ~~council~~ secretary of state approves the plan or method of
52 16 business of such a building and loan association, ~~it the~~
52 17 secretary of state shall endorse ~~it's the secretary's~~ approval
52 18 upon the statement of the resources and liabilities and plan
52 19 of business presented to ~~it the secretary~~, and the statement
52 20 shall be filed in the office of the superintendent, who shall
52 21 issue a certificate to the building and loan association to
52 22 transact business within the state, if the association has
52 23 deposited with the superintendent the mortgages and securities
52 24 required by the other provisions of this chapter.

52 25 Sec. 128. Section 534.515, subsection 13, Code 2005, is
52 26 amended to read as follows:

52 27 13. REVOCATION OF CERTIFICATE == RECEIVER. If any such
52 28 building and loan association holding a certificate of
52 29 authority to transact business within this state issued by the
52 30 superintendent as provided in this chapter, shall violate any
52 31 of the provisions of this chapter, or shall fail to deposit
52 32 with the superintendent such further amount of mortgages or
52 33 securities as the superintendent may require under this
52 34 chapter, the superintendent shall at once revoke the
52 35 certificate and notify the ~~executive council~~ secretary of

53 1 state of its revocation; and under the direction of the
53 2 ~~executive council~~ secretary of state, application shall be
53 3 made by the attorney general to the proper court for the
53 4 appointment of a receiver to wind up the affairs of the
53 5 association. In the proceedings the amount due from the
53 6 borrowing members or persons making periodical payments upon
53 7 contracts or mortgages given by them shall be ascertained in
53 8 the manner provided in section 534.405; and the amount owing
53 9 upon mortgages or contracts from members of the association or
53 10 persons making periodical payments to it, shall be treated and
53 11 considered as due and payable within a reasonable time, to be
53 12 fixed by the court after the appointment of a receiver.

53 13 Sec. 129. Section 568.8, Code 2005, is amended to read as
53 14 follows:

53 15 568.8 CONTRACT FOR SURVEY.

53 16 The secretary of state shall make a contract with some

53 17 surveyor for making such survey; the surveyor to furnish all
53 18 the chainpersons and other attendants and pay all necessary
53 19 expenses, ~~which contract before it becomes binding shall be~~
~~53 20 submitted to and approved by the executive council.~~

53 21 Sec. 130. Section 568.11, Code 2005, is amended to read as
53 22 follows:

53 23 568.11 LEASE AUTHORIZED == LANDS READVERTISED == SALE.

53 24 If no application is filed for the purchase of the land
53 25 within the sixty-day period by a bona fide occupant, and if no
53 26 bids are received for the purchase thereof, on or before the
53 27 date of the sale as advertised, then the secretary of state is
53 28 authorized to lease the land for a period of from one to five
53 29 years, upon as favorable terms as the secretary can obtain.

53 30 At the expiration of such lease the secretary shall
53 31 readvertise the land for sale in the manner provided in
53 32 section 568.10. If no bids for the purchase of the land are
53 33 received on the date of the second advertised sale, then the
53 34 secretary of state ~~shall submit the matter to the executive~~

~~53 35 council, and they~~ may either order the land reappraised in the
54 1 manner provided in section 568.7, and then advertised and sold
54 2 in the manner provided in section 568.10, or if ~~they deem the~~
54 3 ~~secretary deems~~ it advisable, ~~they may authorize~~ the secretary

54 4 of state ~~to may~~ sell the land for less than the appraised
54 5 value. In such event the secretary of state shall readvertise
54 6 the land for sale in the manner provided in section 568.10,
54 7 and such advertisement shall also state that the land will be
54 8 sold to the highest bidder without restrictions as to the
54 9 appraised value.

54 10 Sec. 131. Section 568.14, Code 2005, is amended to read as
54 11 follows:

54 12 568.14 BOUNDARY COMMISSION.

54 13 If in any proceeding contemplated by the provisions of this
54 14 chapter, it shall become necessary to determine the boundary
54 15 line between this state and either of the states adjoining,
54 16 the matter shall then be at once referred to the ~~executive~~

~~54 17 council~~ governor, who shall thereupon proceed to confer with
54 18 the proper authority of such adjoining state, and if the co-
54 19 operation of the proper authority of such adjoining state
54 20 shall be obtained, then the ~~executive council~~ governor shall
54 21 appoint a commission of three disinterested, competent

54 22 persons, who shall, in conjunction with the parties acting for
54 23 such adjoining state, have authority to ascertain and locate
54 24 the true boundary line between this state and such adjoining
54 25 state, so far as the particular land under consideration at
54 26 the time is concerned. The report of the commissioners with a

54 27 statement of their findings shall be submitted to the
54 28 ~~executive council~~ governor, who shall file the same with the
54 29 clerk of the state land office in the office of the secretary
54 30 of state. The line so ascertained and located shall

54 31 constitute the true and permanent boundary line between this
54 32 state and such other state to the extent such line shall be so
54 33 ascertainable and located.

54 34 Sec. 132. Section 568.16, Code 2005, is amended to read as
54 35 follows:

55 1 568.16 PURCHASE MONEY REFUNDED.

55 2 If the grantee of the state, or the grantee's successors,
55 3 administrators, or assigns, shall be deprived of the land
55 4 conveyed by the state under this chapter by the final decree
55 5 of a court of record for the reason that the conveyance by the
55 6 state passed no title whatever to the land therein described,
55 7 because title thereto had previously for any reason been

55 8 vested in others, then the money so paid the state for the
55 9 said land shall be refunded by the state to the person or
55 10 persons entitled thereto, provided the said grantee, or the
55 11 grantee's successors, administrators, or assigns, shall file a
55 12 certified copy of the transcript of the said final decree with

55 13 the ~~executive council~~ state appeal board within one year from
55 14 the date of the issuance of such decree, and shall also file
55 15 satisfactory proof with the ~~executive council~~ state appeal
55 16 board that the action over the title to the land was commenced

55 17 within ten years from the date of the issuance of patent or
55 18 deed by the state. The amount of money to be refunded under
55 19 the provisions of this section shall be certified by the
55 20 ~~executive council~~ state appeal board to the director of the

55 21 department of administrative services, who shall draw a
55 22 warrant therefor, and the same shall be paid out of the
55 23 general fund.

55 24 Sec. 133. Section 568.18, Code 2005, is amended to read as
55 25 follows:

55 26 568.18 GOOD FAITH POSSESSION == PREFERENCE.

55 27 If any lands in the present or in any former channel of any

55 28 navigable river, or island therein, or any lands formed by
55 29 accretion or avulsion in consequence of the changes of the
55 30 channel of any such river, have been for ten years or more in
55 31 the possession of any person, company, or corporation, or of
55 32 its grantors or predecessors in interest under a bona fide
55 33 claim of ownership, and the person, company or corporation so
55 34 in possession, or its grantors or predecessors in interest,
55 35 have paid state or county taxes upon said lands for a period
56 1 of five years, and have in good faith and under bona fide
56 2 claim of title made valuable improvements thereon, and also in
56 3 any other case where, in the judgment of the ~~executive council~~
56 4 department of natural resources, the person in possession of
56 5 any land subject to the provisions of this chapter, has, in
56 6 equity and good conscience, a substantial interest therein,
56 7 then the said lands shall be sold to the person, company, or
56 8 corporation so in possession thereof as hereinafter provided.

56 9 Sec. 134. Section 568.19, Code 2005, is amended to read as
56 10 follows:

56 11 568.19 NOTICE == ACTION TO DETERMINE TITLE AND VALUE ==
56 12 PATENT.

56 13 When any person, company, or corporation so in possession
56 14 of any such lands shall give to the secretary of state written
56 15 notice of its claim, or whenever the ~~executive council~~
56 16 department of natural resources shall deem it advisable, it
56 17 shall be the duty of the attorney general to bring an action
56 18 in equity, in the district court of the county in which said
56 19 lands are situated, against the party in possession thereof to
56 20 determine the title of the state to such lands, and the value
56 21 thereof, exclusive of improvements made thereon by the
56 22 occupant or by its grantors or predecessors in interest. If
56 23 the person, company, or corporation in possession of such land
56 24 shall, after the court has determined the value thereof as
56 25 herein provided, tender to the secretary of state the amount
56 26 adjudged to be the value of said lands, exclusive of
56 27 improvements made thereon by the occupant or by its grantors
56 28 or predecessors in interest, a deed or patent of such land
56 29 shall be executed by the governor, attested by the secretary
56 30 of state, and delivered to the person, company, or corporation
56 31 making such tender, as provided by law. If the person,
56 32 company, or corporation so in possession shall fail to pay to
56 33 the state the amount so adjudged within six months after the
56 34 final determination of the action so brought by the state,
56 35 then said lands shall be subject to the other provisions of
57 1 this chapter.

57 2 Sec. 135. Section 568.21, Code 2005, is amended to read as
57 3 follows:

57 4 568.21 SALE OR LEASE AUTHORIZED.

57 5 The ~~executive council of the state~~ department of natural
57 6 resources is hereby authorized and empowered to sell, convey,
57 7 lease, or demise any of the islands belonging to the state
57 8 which are within the meandered banks of rivers in the state,
57 9 and to execute and deliver a patent or lease thereof. Nothing
57 10 in this and sections 568.22 to 568.25 shall be construed to
57 11 apply to islands in the Mississippi or Missouri rivers.

57 12 Sec. 136. Section 568.22, Code 2005, is amended to read as
57 13 follows:

57 14 568.22 SURVEY == APPRAISEMENT == SALE.

57 15 Before a sale of any island is made under the provisions of
57 16 section 568.21, the ~~executive council~~ department of natural
57 17 resources shall cause a survey and plat of such island to be
57 18 made, showing its location and area, and the plat and notes of
57 19 such survey shall be filed with the secretary of state. The
57 20 land composing the island shall then be appraised by a
57 21 commission appointed by the governor, consisting of three
57 22 disinterested freeholders of the state, who shall report their
57 23 appraisement to the ~~executive council~~ department of natural
57 24 resources. The sale of the island shall then be advertised
57 25 once each week for four consecutive weeks in some newspaper of
57 26 general circulation published in the county where the island
57 27 is located, and proof of such publication filed with the
57 28 ~~executive council~~ department of natural resources. The sale
57 29 shall be made upon written bids addressed to the ~~executive~~
57 30 ~~council of the state~~ department of natural resources, and the
57 31 advertisement shall fix the time when such bids will be
57 32 received and opened. All bids shall be opened by the
57 33 ~~executive council~~ department of natural resources at the time
57 34 fixed, and the island may thereupon be sold to the highest
57 35 bidder and at not less than its appraised value.

58 1 Sec. 137. Section 568.23, Code 2005, is amended to read as
58 2 follows:

58 3 568.23 LEASE.

58 4 If it shall be deemed expedient to lease any such island, a
58 5 lease thereof may be made upon written bids addressed to the
58 6 ~~executive council~~ department of natural resources, and the
58 7 island proposed to be leased shall be surveyed and platted,
58 8 and notice of the leasing thereof and of the receiving and
58 9 opening of bids shall be published, in the manner provided in
58 10 section 568.22, but no appraisalment shall be necessary. Upon
58 11 the opening of the bids received by the ~~executive council~~
58 12 department of natural resources it may make a lease of such
58 13 island to the highest bidder for such term as is deemed
58 14 advisable.

58 15 Sec. 138. Section 568.24, Code 2005, is amended to read as
58 16 follows:

58 17 568.24 SALES AND LEASES FOR CASH == EXPENSES.

58 18 All sales and leases must be for cash, and the money
58 19 received therefor shall be paid into the state treasury. All
58 20 expenses incurred in making the survey, plat, appraisalment,
58 21 sale, or lease of any such island shall be certified by the
58 22 ~~executive council~~ department of natural resources to the
58 23 director of the department of administrative services, who
58 24 shall draw a warrant upon the state treasury for the amount,
58 25 and the same shall be paid from the general fund.

58 26 Sec. 139. Section 568.25, Code 2005, is amended to read as
58 27 follows:

58 28 568.25 PATENT OR LEASE.

58 29 When any sale or lease of any island belonging to the state
58 30 is made by the ~~executive council~~ department of natural
58 31 resources as herein provided, the governor shall execute and
58 32 deliver to the purchaser or lessee a patent or a lease
58 33 thereof, as the case may be, duly attested by the seal of the
58 34 state.

58 35 Sec. 140. Section 569.5, Code 2005, is amended to read as
59 1 follows:

59 2 569.5 MANAGEMENT.

59 3 When the title to real estate becomes vested in the state,
59 4 or in a county or municipality under this chapter, or by
59 5 conveyance under the statutes relating to taxation, the
59 6 ~~executive council~~ department of administrative services, board
59 7 of supervisors, or other governing body, as the case may be,
59 8 shall manage, control, protect by insurance, lease, or sell
59 9 said real estate on such terms, conditions, or security as
59 10 said governing body may deem best.

59 11 Sec. 141. Section 602.10133, Code 2005, is amended to read
59 12 as follows:

59 13 602.10133 COSTS AND EXPENSES.

59 14 The court costs incident to such proceedings, and the
59 15 reasonable expense of said judges in attending said hearing
59 16 after being approved by the supreme court shall be paid as
59 17 court costs by the ~~executive council~~ state appeal board.

59 18 Sec. 142. Section 663.44, unnumbered paragraph 2, Code
59 19 2005, is amended to read as follows:

59 20 However, where the plaintiff is confined in any state
59 21 institution, and is discharged in habeas corpus proceedings,
59 22 or where the habeas corpus proceedings fail and costs and fees
59 23 cannot be collected from the person liable to pay the same,
59 24 such costs and fees shall be paid by the county in which such
59 25 state institution is located. The facts of such payment and
59 26 the proceedings on which it is based, with a statement of the
59 27 amount of fees or costs incurred, with approval in writing by
59 28 the presiding judge appended to such statement or endorsed
59 29 thereon, shall then be certified by the clerk of the district
59 30 court under the seal of office to the state ~~executive council~~
59 31 appeal board. The ~~executive council~~ state appeal board shall
59 32 then review the proceedings and authorize reimbursement for
59 33 all such fees and costs or such part thereof as the ~~executive~~
59 34 council state appeal board shall find justified, and shall
59 35 notify the director of the department of administrative
60 1 services to draw a warrant to such county treasurer on the
60 2 state general fund for the amount authorized. The costs and
60 3 fees referred to above shall include any award of fees made to
60 4 a court appointed attorney representing an indigent party
60 5 bringing the habeas corpus action.

60 6 Sec. 143. Section 668A.1, subsection 2, paragraph b, Code
60 7 2005, is amended to read as follows:

60 8 b. If the answer or finding pursuant to subsection 1,
60 9 paragraph "b", is negative, after payment of all applicable
60 10 costs and fees, an amount not to exceed twenty-five percent of
60 11 the punitive or exemplary damages awarded may be ordered paid
60 12 to the claimant, with the remainder of the award to be ordered
60 13 paid into a civil reparations trust fund administered by the
60 14 state court administrator. Funds placed in the civil

60 15 reparations trust shall be under the control and supervision
60 16 of the ~~executive council attorney general's office~~, and shall
60 17 be disbursed only for purposes of indigent civil litigation
60 18 programs or insurance assistance programs.

60 19 Sec. 144. Section 693.1, Code 2005, is amended to read as
60 20 follows:

60 21 693.1 CONTRACT AUTHORIZED.

60 22 The commissioner of public safety may enter into such
60 23 contracts as the commissioner may deem necessary for the
60 24 purpose of utilizing a special radio broadcasting system for
60 25 law enforcement and police work and for direct and rapid
60 26 communication with the various peace officers of the state.
60 27 The said commissioner shall be empowered, subject to the
60 28 approval of the governor ~~and executive council~~, to equip
60 29 divisional headquarters, cars, and motorcycles in the
60 30 department with radio sending or receiving apparatus or both.

60 31 Sec. 145. Section 904.512, Code 2005, is amended to read
60 32 as follows:

60 33 904.512 VISITS.

60 34 ~~Members of the executive council~~ The governor, lieutenant
60 35 governor, secretary of state, auditor of state, treasurer of
61 1 state, secretary of agriculture, the attorney general, the
61 2 lieutenant governor, members of the general assembly, judges
61 3 of the supreme and district court and court of appeals,
61 4 judicial magistrates, county attorneys and persons ordained or
61 5 designated as regular leaders of a religious community are
61 6 authorized to visit all institutions under the control of the
61 7 Iowa department of corrections at reasonable times. No other
61 8 person shall be granted admission except by permission of the
61 9 superintendent.

61 10 Sec. 146. Section 904.808, subsection 1, paragraph b, Code
61 11 2005, is amended to read as follows:

61 12 b. When the state director releases, in writing, the
61 13 obligation of the department or agency to purchase the product
61 14 from Iowa state industries, after determining that Iowa state
61 15 industries is unable to meet the performance characteristics
61 16 of the purchase request for the product, and a copy of the
61 17 release is attached to the request to the director of the
61 18 department of administrative services for payment for a
61 19 similar product, or when Iowa state industries is unable to
61 20 furnish needed products, comparable in both quality and price
61 21 to those available from alternative sources, within a
61 22 reasonable length of time. Any disputes arising between a
61 23 purchasing department or agency and Iowa state industries
61 24 regarding similarity of products, or comparability of quality
61 25 or price, or the availability of the product, shall be
61 26 referred to the director of the department of administrative
61 27 services, whose decision shall be subject to appeal as
61 28 provided in section 8A.313. However, if the purchasing
61 29 department is the department of administrative services, any
61 30 matter which would be referred to the director under this
61 31 paragraph shall be referred to the ~~executive council~~
61 32 department of management in the same manner as if the matter
61 33 were to be heard by the director of the department of
61 34 administrative services. The decision of the ~~executive~~
61 35 council department of management is final.

62 1 Sec. 147. Sections 7D.6, 7D.8, 7D.9, 7D.10, 7D.10A, 7D.11,
62 2 7D.12, 7D.13, 7D.14, 7D.15, 7D.29, 7D.30, 7D.31, 7D.34, and
62 3 7D.35, Code 2005, are repealed.

62 4 Sec. 148. Chapter 15C, Code 2005, is repealed.

62 5 Sec. 149. Sections 66.26, 66.27, 217.20, 491.9, and
62 6 904.114, Code 2005, are repealed.

62 7 EXPLANATION

62 8 This bill concerns the executive council, established under
62 9 Code chapter 7D. In addition, Code chapter 15C, concerning
62 10 the world trade center, is repealed. The executive council
62 11 currently consists of the governor, secretary of state,
62 12 auditor of state, treasurer of state, and the secretary of
62 13 agriculture.

62 14 The bill changes the membership of the executive council to
62 15 include the governor, lieutenant governor, secretary of state,
62 16 auditor of state, treasurer of state, attorney general,
62 17 president of the senate, speaker of the house of
62 18 representatives, president of the board of regents, chief
62 19 justice of the Iowa supreme court, and chief executive officer
62 20 of the Iowa public employees' retirement system. The bill
62 21 provides that the director of the department of management
62 22 shall be the secretary of the executive council. The bill
62 23 provides that the duties of the executive council shall be the
62 24 periodic review and oversight of various financial items of
62 25 state government, including the board of regents. The items

62 26 to be reviewed include revenues, expenditures, public
62 27 retirement systems, employee contract negotiations, purchases
62 28 and leases over \$1 million, litigation involving the state,
62 29 judicial rulings, legislation, administrative rules, economic
62 30 development activities, and any other item that affects the
62 31 functioning and accountability of state government. The bill
62 32 makes no change to the current responsibility of the executive
62 33 council to be notified of the suspension and termination of
62 34 membership in the interstate compact for adult offender
62 35 supervision established in Code chapter 907B.

63 1 Of the duties currently performed by the executive council,
63 2 some duties are eliminated while other duties are transferred
63 3 to other state departments or constitutional officers. The
63 4 applicable Code section or chapter is referenced in
63 5 parentheses.

63 6 The bill repeals and eliminates the following duties,
63 7 powers, and responsibilities of the executive council: the
63 8 ability to designate additional paid holidays for state
63 9 employees (1C.2), the report for the official register (7D.6),
63 10 the receipt of the report of unexpended balances on special
63 11 work (7D.11), the notice to transfer balance regarding special
63 12 funds (7D.12), the order and duty to transfer the balance in
63 13 special funds to the general fund (7D.13, 7D.14), the creation
63 14 of the public policy research foundation (7D.15), the ability
63 15 to employ others for the performance of duty (7D.29, 7D.30),
63 16 the state employee suggestion system (70.33), and the ability
63 17 to remove any appointive state officer from office for bad
63 18 conduct (66.26, 66.27). In addition, the bill eliminates the
63 19 requirement that executive council authority is needed to
63 20 contract for workers' compensation services (8A.457), for the
63 21 auditor to employ accountants (11.32), for the workers'
63 22 compensation commissioner to enter into certain contracts
63 23 (86.8), to approve lottery authority purchases of real
63 24 property or borrowing of more than \$1 million (99G.21), to set
63 25 the salary of certain licensing board secretaries and
63 26 directors (147.102, 147.103A, 152.2), to permit certain out=
63 27 of=state travel (217.20, 421.38), and to approve the sale of
63 28 park lands or islands by the natural resource commission
63 29 (461A). The bill also eliminates the ability of the executive
63 30 council to review the decision of the director of the
63 31 department of administrative services granting a state agency
63 32 request for direct purchasing (8A.311), or to review the
63 33 decision of the director of the department of administrative
63 34 services resolving a dispute involving purchasing from Iowa
63 35 state industries (8A.313).

64 1 The following duties, powers, and responsibilities of the
64 2 executive council are transferred to the governor: the
64 3 responsibility for establishing the state employee deferred
64 4 compensation plan, the ability to employ special counsel in
64 5 lieu of the attorney general (13.3, 13.7), the ability to
64 6 authorize indebtedness for state institutions (72.2), the
64 7 approval of all contracts for the sale of bonds issued by the
64 8 state (75.8), the review of certain purchasing authority by
64 9 the state board of regents (262), expending money from the
64 10 fish and game protection fund for contingencies (455A.10), and
64 11 certain boundary commission proceedings (568.14).

64 12 The following duties, powers, and responsibilities of the
64 13 executive council are transferred to the treasurer: the
64 14 ability to issue state warrants in anticipation of revenues
64 15 (new 12.26A from 7D.8), the public sale of mining camp schools
64 16 (297.30), and ascertaining the value of certain securities
64 17 (492, 497.13).

64 18 The following duties, powers, and responsibilities of the
64 19 executive council are transferred to the superintendent of
64 20 savings and loan associations: duties concerning
64 21 unincorporated associations (534.515).

64 22 The following duties, powers, and responsibilities of the
64 23 executive council are transferred to the attorney general's
64 24 office: the control and supervision of the civil reparations
64 25 trust (668A.1).

64 26 The following duties, powers, and responsibilities of the
64 27 executive council are transferred to the state appeal board
64 28 (the board consists of the director of the department of
64 29 management, the auditor of state, and the treasurer of state):
64 30 the ability to compromise certain claims (current 7D.9, now
64 31 24A.1), the payment of court costs (current 7D.10, now 24A.2,
64 32 602.10133, 663.44), allocation to the manure storage indemnity
64 33 fund (current 7D.10A, now 24A.3, 459.501), authorize
64 34 expenditures from unappropriated funds for certain leases and
64 35 contracts by the department of administrative services
65 1 (8A.321), payment from a contingent fund for disasters

65 2 (29A.27, 29C.20), approve requests for funds to meet
65 3 emergencies relating to the special employment security
65 4 contingency fund (96.13), pay workers' compensation costs for
65 5 disaster medical assistance teams (135.143), approve
65 6 expenditures for the payment to an owner of a killed animal
65 7 (163.15, 163.51), approve emergency funding for state fair
65 8 maintenance for a natural disaster (173.16), approve the
65 9 payment of money to a city or county for the cost of a public
65 10 improvement which affects state lands (384.56, 468.43),
65 11 approve the use by the director of revenue and finance of
65 12 moneys in the litigation expense fund (441.73), and the refund
65 13 of moneys relating to islands and abandoned river channels
65 14 (568.16).

65 15 The following duties, powers, and responsibilities of the
65 16 executive council are transferred to the department of
65 17 administrative services: certain eminent domain authority
65 18 (6A.1, 6A.2), the inventory of state property (7A.30), the
65 19 energy conservation lease-purchase program (current 7D.34, now
65 20 8A.111, 470.7), the authority to resolve disputes between the
65 21 department of natural resources and the state building code
65 22 commissioner (current 7D.35, now 8A.112), review of revolving
65 23 fund administrative costs (8A.314), determining the status of
65 24 employees in regard to the interchange of federal, state, and
65 25 local government employees (28D.6), the sale of lands not
65 26 needed for an armory (29A.57), providing suitable quarters for
65 27 the division of records and statistics (144.2), to execute the
65 28 deeds for the sale of land no longer needed for toll bridges
65 29 by the state department of transportation (313A.24, 313A.26),
65 30 and the authority to manage property that comes under the
65 31 control of the state under Iowa Code chapter 569.

65 32 The following duties, powers, and responsibilities of the
65 33 executive council are transferred to the department of natural
65 34 resources: authorizing the lease of public lands for oil or
65 35 gas exploration (458A.21), several duties relating to public
66 1 lands and waters under Code chapter 461A, granting permission
66 2 of any levee or drainage district to occupy and use for any
66 3 lawful levee or drainage purpose certain land owned by the
66 4 state of Iowa not under the control of any state agency
66 5 (468.220).

66 6 The department of management is also designated as the
66 7 agency to certify allocation of funds to school districts from
66 8 counties under Code section 161E.14 and is given the authority
66 9 to review certain disputes between prison industries and the
66 10 division of general services under Code section 904.808. The
66 11 department of education is also given the authority to approve
66 12 the sale of certain school lands without an appraisalment
66 13 (257B.6). The utilities board is also given the duties
66 14 originally granted to the executive council concerning Code
66 15 chapter 469A relating to hydroelectric plants.

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66 17 ec:nh/gg/14