

## CHAPTER 61

## STATE APPEAL BOARD

S. F. 440

AN ACT relating to certain claims between the State of Iowa and others and providing for the presentation, investigation, determination, settlement and payment of such claims.

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

1 SECTION 1. When a claim is filed or made against the State of Iowa,  
2 on which in the judgment of the comptroller the state would be liable  
3 except for the fact of its sovereignty or which has no appropriation  
4 available for its payment, the comptroller shall deliver said claim to the  
5 State Appeal Board. The State Appeal Board shall make a record of  
6 the receipt of said claim and forthwith deliver same to the Special As-  
7 sistant Attorney General for Claims who shall, with a view to deter-  
8 mining the merits and legality thereof, fully investigate said claim,  
9 including the facts upon which it is based and report in duplicate his  
10 findings and conclusions of law to the State Appeal Board.

1 SEC. 2. The State Appeal Board shall examine the report made on  
2 each claim by the Special Assistant Attorney General for Claims and  
3 prepare and make a recommendation thereon in writing.

1 SEC. 3. On the second day after the convening of each regular  
2 session of the General Assembly, the State Appeal Board shall file  
3 with the clerk of the House of Representatives and the secretary of  
4 the Senate a copy of the report made to it by the Special Assistant  
5 Attorney General for Claims and its recommendation thereon for each  
6 claim, which report and recommendation shall be delivered to the claims  
7 committee of the House and Senate. Any testimony taken by the  
8 Special Assistant Attorney General for Claims shall be preserved by  
9 the State Appeal Board and made available to the claims committees  
10 of the General Assembly.

1 SEC. 4. The Attorney General shall appoint a Special Assistant  
2 Attorney General for Claims who shall under the direction of the  
3 Attorney General investigate, and report on all claims between the  
4 state and other parties, which may be referred to the State Appeal  
5 Board. He shall receive a compensation of not to exceed twenty-four  
6 hundred dollars (\$2400.00) per year, and be paid his reasonable and  
7 necessary expenses incurred in connection with the performance of his  
8 duties, said compensation and expenses to be paid out of any funds in  
9 the state treasury not otherwise appropriated.

1 SEC. 5. The Special Assistant Attorney General for Claims shall  
2 fully investigate each claim and the facts upon which same is based  
3 and may take testimony in the form of affidavits or otherwise, and in  
4 connection therewith he shall ex officio be empowered to administer  
5 oaths, to compel the attendance of witnesses and certify to any District  
6 Court for contempt. All testimony, affidavits, and other papers in  
7 connection with a claim, obtained by the Special Assistant Attorney  
8 General for Claims in making his investigation shall be filed with his  
9 report to the State Appeal Board.

1 SEC. 6. The State Appeal Board shall have power and authority to  
2 investigate and collect claims which the State of Iowa may have against  
3 municipal or political corporations in the State of Iowa, including  
4 counties, cities, towns, townships, and school districts. The Board  
5 shall refer any such claim to the Special Assistant Attorney General  
6 for Claims, when any such claim has not been promptly paid, and if  
7 the Special Assistant Attorney General for Claims is not able to collect  
8 the full amount of said claim, he shall fully investigate same and report  
9 to the State Appeal Board his findings of fact and conclusions of law,  
10 together with any recommendation he may have as to said claim.  
11 Thereafter the State Appeal Board may effect a compromise settle-  
12 ment with the debtor in such amount and under such terms as the said  
13 Board may deem just and equitable in view of the findings and con-  
14 clusions reported to it. In the event the State Appeal Board is unable  
15 to collect a claim in full or effect what it has determined to be a fair  
16 compromise, it shall deliver same to the Attorney General for such  
17 action as he shall determine and the Special Assistant Attorney Gen-  
18 eral for Claims is specifically charged with carrying out the directions  
19 of the Attorney General with reference thereto. When any claim is  
20 compromised by the State Appeal Board, it shall file in the office of  
21 the Comptroller a statement as to the settlement, together with a true  
22 copy of the agreement of settlement, and if in settlement an amount  
23 less than the face amount is accepted in full, the proper entries shall be  
24 made in the books of the Comptroller, and Auditor of State showing  
25 the amount of the claim, the amount of the settlement and the amount  
26 charged off.

1 SEC. 7. When any claim against the State of Iowa has been pre-  
2 sented to the General Assembly through the State Appeal Board, and  
3 the General Assembly has failed or refused to make an appropriation  
4 therefor, such failure or refusal to appropriate shall constitute an  
5 adjudication against said claim, which shall bar any further proceed-  
6 ings before the General Assembly for the payment of same.

1 SEC. 8. No claim against the State of Iowa shall be considered or  
2 allowed by the General Assembly except it be presented before the  
3 State Appeal Board as provided in this act.

Approved April 15, 1941.

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## CHAPTER 62

### BUDGET AND FINANCIAL CONTROL

#### S. F. 514

AN ACT to amend, revise and codify section eighty-four and twenty-six hundredths (84.26), section eighty-four and twenty-seven hundredths (84.27), section eighty-four and thirty hundredths (84.30), section eighty-four and thirty-one hundredths (84.31), section eighty-four and thirty-two hundredths (84.32), in chapter seven and one-tenth (7.1), the budget and financial control act, Code, 1939, relating to the execution of the budget, the expenditure of appropriations, the reversion and transfer of balances, the financial fiscal term, and the use of appropriations.