

EXECUTIVE COUNCIL OF IOWA

AGENDA

JUNE 18, 2012

1. Introduction of Attendees
2. Approval of minutes of meeting held June 11, 2012
3. Litigation Expense – Page 1
TAB # 1
4. Emergency Allocations – Page 1
5. Payment of Cost Items – Pages 1 - 4
6. Renewal Memberships – Pages 4 - 5
TAB #'S 2, 3, 4, 5 and 6

3. Litigation Expense Fund

- A. Request from the Attorney Generals' office on behalf of the Department of Revenue and Finance to transfer funds to the Litigation Expense Fund for FY 2013 in the amount of \$200,000.00

TAB # 1

4. Emergency Allocations

- A. Iowa State Fair is requesting an emergency allocation in the amount of \$29,262.00. On May 14, 2012 fire damaged a warehouse at the Iowa State Fair grounds. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

- B. Department of Human Services, Cherokee Mental Health Institute is requesting an emergency allocation in the amount of \$12,000.00. On May 3, 2012 an electrical storm caused damage to air handling unit at the Institute, request is for costs to replace unit.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

- C. Department of Natural Resources is requesting an emergency allocation in the amount of \$40,950.00. On July 11, 2011 a severe storm caused damage at Union Grove State Park in Tama County. The request covers the State's share of FEMA Disaster #4016.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

5. Payment of Cost Items

- A. Dept. of Administrative Services & Dept. of Human Services\$2,101.52
On August 9, 2009 the Eldora State Training school sustained storm/hail damage to the Campus.

The State Auditor's Office has reviewed the above request and recommends payment.

- B. Department of Public Safety, Iowa State Patrol \$1,563.15
On August 22, 2011 hail damaged vehicles # 76, # 253 and # 277. Request is to cover repair costs.

The State Auditor's Office has reviewed the above request and recommends payment.

- C. Dickinson, Mackaman, Tyler & Hagen, P.C.....\$30,064.00
699 Walnut, Suite 1600
Des Moines, IA 50309
Regions Bank, Alabama Banking Corp. vs. Iowa Department of Revenue and Iowa Capital Investment Board

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment.

- D. Thompson Hine Law Firm.....\$20,523.65
312 Walnut Street, 14th Floor
Cincinnati, OH 45202
Iowa College Student Aid Commission in the transfer of the Federal Family Education Program.

Julie Pottorff, Deputy Attorney General, has reviewed this invoices and recommends payment. Payment will be made by the Iowa College Student Aid Commission.

- E. Simmons Perrine Moyer Bergman PLC.....\$66,338.34
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52402
Tobacco Settlement Authority

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority.

- F. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$899.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Economic Development Authority.

G. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$1,905.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Represent Iowa in copyright, trademark, and patent legal advice for various agencies

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Economic Development Authority.

H. Wandro & Associates, P.C.\$5,050.00
2501 Grand Avenue, Suite B
Des Moines, IA 50312
Unclaimed Property Probate Matters

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Unclaimed Property Fund.

I. McDowell, Rice, Smith & Buchanan.....\$38,632.15
605 West 47th Street, Suite 350
Kansas City, MO 64112
Tobacco Settlement Authority

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority.

J. Coppola, McConville, Coppola, Hockenberg & Scalise, P.C.....\$24.00
2100 Westown Parkway, Suite 210
West Des Moines, IA 50265-1539
Campaign Contributions from Fort Dodge Gambling Interests to Governor Culver

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment.

K. Patterson Law Firm L.L.P..... \$428.70
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Dirk Marple v. University of Iowa Hospitals and Clinics, State of Iowa and Second Injury Fund.

- L. Patterson Law Firm L.L.P..... \$396.50
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Debbie Miller v. State of Iowa and Second Injury Fund

- M. Patterson Law Firm L.L.P..... \$184.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund

Julie Pottorff, Deputy Attorney General, has reviewed these invoices and recommends payments.

6. Renewal Memberships

- A. Administrative Services in National Association of State Purchasing Officials (NASPO) in the amount of \$1,200.00 for July 15, 2012 - July 15, 2013. (Previous amount was \$1,200.00.) Other agencies: No: Funding Source: Other Funds: DAS Procurement Revolving Fund
TAB # 2

- B. Administrative Services in National Certified Public Manager Consortium in the amount of \$500.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$500.00.) Other agencies: No: Funding Source: Other Funds: PDS Marketplace

- C. Commerce - Banking in Money Transmitter Regulators Association in the amount of \$750.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$750.00.) Other agencies: No: Funding Source: Other Funds: Industry Fees

- D. Commerce - Banking in National Association of Consumer Credit Administrators (NACCA) in the amount of \$695.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$600.00.) Other agencies: Yes: Attorney General's Office-Consumer Protection Division Funding Source: Other Funds: Industry Fees

- E. Commerce - Insurance in National Association of Insurance Commissioners (NAIC) in the amount of \$25,907.00 for May 1, 2012 - April 30, 2013. (Previous amount was \$23,545.00.) Other agencies: No: Funding Source: Other State Funds: Revolving Funds
TAB # 3

- F. Iowa Finance Authority in Home Builders Association in the amount of \$515.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$515.00.) Other agencies: No: Funding Source: Other Funds: Self Funded
- G. Iowa Finance Authority in Iowa League of Cities in the amount of \$320.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$260.00.) Other agencies: No: Funding Source: Other Funds: Self Funded
- H. Natural Resources in Association of Fish and Wildlife agencies (AFWA) in the amount of \$22,776.00 for January 1 - December 31, 2012. (Previous amount was \$21,985.00.) Other agencies: No: Funding Source: Other Funds: Fish and Game Trust Fund

TAB # 4

- I. Natural Resources in National Pollution Prevention Roundtable in the amount of \$495.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$495.00.) Other agencies: No: Funding Source: Other State Funds: Solid Waste Tonnage Fees
- J. Natural Resources in Northern Association Boating Administrators (NABA) in the amount of \$400.00 for January 1 - December 31, 2012. (Previous amount was \$400.00.) Other agencies: No: Funding Source: Other State Funds: Fish & Wildlife Trust Fund/Boat Registration
- K. Natural Resources in Product Stewardship Institute in the amount of \$6,000.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$6,000.00.) Other agencies: No: Funding Source: Other State Funds: Household Hazardous Waste Acct

TAB # 5

- L. Revenue in Streamlined Sales Tax Governing Board in the amount of \$21,080.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$19,645.00.) Other agencies: No: Funding Source: Other Funds: Streamlined Sales Tax Revenue

TAB # 6

- M. Transportation in Community Transportation Association of America (CTAA) in the amount of \$225.00 for August 1, 2012 - July 31, 2013. (Previous amount was \$225.00.) Other agencies: No: Funding Source: Other State Funds



TAB # 1

2012 JUN 13 11:03:35
THOMAS J. MILLER
ATTORNEY GENERAL

JULIE F. POTTORFF
DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

Address Reply To:
1305 E. Walnut Street
Des Moines, Iowa 50319
Telephone: 515/281-3349
Fax: 515/281-4209
Julie.Pottorff@iowa.gov

June 8, 2012

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Litigation Expense Fund

Dear GeorgAnna:

The Department of Revenue requests that the Executive Council transfer funds to the Litigation Expense Fund to pay anticipated litigation expenses for the next fiscal year. The Litigation Expense Fund is "created in the state treasury" and "shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue" Iowa Code section 441.73(1) (2011). The Executive Council "shall transfer for the fiscal year beginning July 1, 1992, and each fiscal year thereafter, from funds established in sections 425.1 and 426.1 an amount necessary to pay litigation expenses." Iowa Code section 441.73(4). The funds referenced in these sections are: the Homestead Tax Credit Fund (§ 425.1) with an unspecified standing appropriation and the Agricultural Land Credit Fund (§ 426.1) with a standing appropriation of \$39,100,000 the first \$10,000,000 of which is transferred into the Family Farm Tax Credit Fund.

The balance in the Fund is capped by statute. "The amount in the fund for each fiscal year shall not exceed seven hundred thousand dollars. The executive council shall determine annually the proportionate amounts to be transferred from the two separate funds. At any time when no litigation is pending or in progress the balance in the litigation expense fund shall not exceed one hundred thousand dollars." Iowa Code § 441.23(4).

GeorgAnna Madsen
Executive Secretary
Page 2

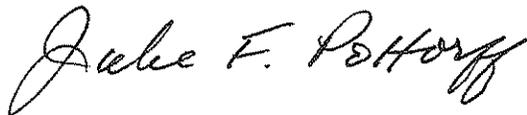
The Director of the Department of Revenue requests that a total of \$200,000 be transferred into the Litigation Expense Fund for FY '13 from these sources on the following basis:

73% - (\$146,000) - Homestead Tax Credit Fund under § 425.1; and
27% - (\$54,000) - Agricultural Land Credit Fund under § 426.1.

The amount of the request is based on estimates from outside counsel of the potential litigation costs during the 2013 fiscal year and estimated litigation costs attributed to the Attorney General's office. Litigation anticipated in the 2013 fiscal year will include ongoing litigation with Cable One, Inc., an appeal to the Iowa Supreme Court by Qwest, constitutional challenges by several ethanol companies to the State's replacement tax system under Iowa Code chapter 437A, and several appeals by telephone companies of their property assessments.

Generally, a transfer of funds at the start of each fiscal year is offset by any amount carried over from the previous fiscal year. The Department estimates a carryover from the 2012 fiscal year of approximately \$480,000. The transfer of an additional \$200,000 will bring total to \$680,000 and will replenish the Litigation Expense Fund sufficiently to cover estimated litigation expenses without exceeding the maximum statutory cap of \$700,000. *See* Iowa Code § 441.73(4).

Sincerely,



JULIE F. POTTORFF
Deputy Attorney General

REQUEST FOR MEMBERSHIP APPROVAL

DEPARTMENT REQUESTING MEMBERSHIP: Iowa Department of Administrative Services _____

NAME OF ORGANIZATION: National Association of State Purchasing Officials (NASPO) _____

NEW MEMBERSHIP _____ **RENEWAL** **MEMBERSHIP PERIOD:** 7/15/2012—7/15/2013 _____
(Beginning and ending dates)

MEMBERSHIP FEE OR DUES AMOUNT \$ \$1,200.00

Funding Source: State General Fund Other State Funds _____

Federal Funds Other Funds DAS Procurement Revolving Fund _____

If Renewal, previous year amount. \$ \$1,200

DO OTHER DEPARTMENTS BELONG TO THIS ORGANIZATION? Yes No

If yes, please list: _____

Please describe why your department should have an additional membership _____

WILL THIS MEMBERSHIP REQUIRE AND PAY FOR OUT-OF-STATE TRAVEL? Yes No

If yes, list the anticipated number of trips per year and their purpose:

Travel to annual meetings is at state discretion. NASPO has paid the cost for two people to attend the annual meeting and up to 5 purchasing agents to attend the annual regional meeting to discuss purchasing opportunities.

DESCRIBE WHY THIS MEMBERSHIP IS IMPORTANT TO THE WORK OF YOUR DEPARTMENT.

The National Association of State Procurement Officials (NASPO) is a non-profit association dedicated to strengthening the public sector procurement through education, research and communications. It is made up of the directors of the central purchasing offices in each of the 50 states, the District of Columbia and the territories of the United States. NASPO is an organization through which its members provide leadership in professional purchasing, improve the quality of purchasing, exchange information and cooperate to attain efficiency and economy of scale.

DESCRIBE HOW MEMBERSHIP IN THIS ORGANIZATION WILL BENEFIT THE TAXPAYERS OF THE STATE OF IOWA.

NASPO membership helps the state control costs by providing information about best practices and establishing cooperative buying efforts utilizing the buying power of multiple states.

DESCRIBE THE FREQUENCY AND TYPE OF CONTACTS YOU EXPECT YOUR DEPARTMENT TO HAVE WITH THIS ORGANIZATION:

Weekly interaction via website, seminars, emails and conference calls.

Requested by: _____

Pat Carroll

(Department Head Signature)

Phone: 281-3273

DOM: Approval Disapproval

Signature _____

Date 6/7/12

Printed to EC - 6-8-12

TAB # 3

REQUEST FOR MEMBERSHIP APPROVAL

DEPARTMENT REQUESTING MEMBERSHIP Commerce/Insurance

NAME OF ORGANIZATION National Association of Insurance Commissioners (NAIC)

NEW MEMBERSHIP _____ RENEWAL X MEMBERSHIP PERIOD: 05/01/2012 -04/30/2013

MEMBERSHIP FEE OR DUES AMOUNT \$25,907.00

Funding Source: State General Fund _____ Other State Funds _____ Revolving Funds _____

Federal Funds _____ Other Funds _____

If Renewal, previous year amount. \$23,545.00

DO OTHER DEPARTMENTS BELONG TO THIS ORGANIZATION ___ Yes ___ X No

If yes please list: _____

Please describe why your department should have an additional membership _____

WILL THIS MEMBERSHIP REQUIRE AND PAY FOR OUT OF STATE TRAVEL? X Yes _____ No

If yes, list the anticipated number of trips per year and their purpose: Number of trips unknown. Iowa is very active in the NAIC. Iowa is a member of various committees and actively participates in various working groups and workshops. There are three national meetings each year to which we send several staff members (depends upon agenda items). Iowa also participates in zone meetings held at various places in the Midwest.

DESCRIBE WHY THIS MEMBERSHIP IS IMPORTANT TO THE WORK OF YOUR DEPARTMENT:

Please see the attachment for description of the NAIC and its impact in Iowa

DESCRIBE HOW MEMBERSHIP IN THIS ORGANIZATION WILL BENEFIT THE TAXPAYERS OF THE STATE OF IOWA.

NAIC participation benefits Iowa citizens in all areas of insurance from consumer protection to fair regulation of the insurance industry. This enhances fair and equitable insurance coverage for Iowans.

DESCRIBE THE FREQUENCY AND TYPE OF CONTACTS YOU EXPECT YOUR DEPARTMENT TO HAVE WITH THIS ORGANIZATION: Daily contact through computer lines, e-mail, conference calls and correspondence.

Justin C. Voss

Requested by: _____ Date: 6/7/12
(Department Head Signature)

Membership Form D-466

July 2009

DO NOT Approve Disapproval

Signature [Signature] Date 6/7/12

Phone: _____ E-Mail: _____

Executive Council of Iowa
Capitol Building
Des Moines, Iowa 50319
Phone: 515 281-5368
FAX: 515 281-7562

TAB # 4

REQUEST FOR MEMBERSHIP APPROVAL

DEPARTMENT REQUESTING MEMBERSHIP: Natural Resources

NAME OF ORGANIZATION: Association of Fish and Wildlife Agencies (AFWA)

NEW MEMBERSHIP _____ **RENEWAL** _____ **MEMBERSHIP PERIOD:** 01/01/12-12/01/12
(Beginning and ending dates)

MEMBERSHIP FEE OR DUES AMOUNT \$ 22,776

Funding Source: State General Fund Other State Funds _____

Federal Funds Other FundsX Fish and Game Trust Fund

If Renewal, previous year amount. \$ 21,985

DO OTHER DEPARTMENTS BELONG TO THIS ORGANIZATION? Yes X No

If yes, please list: _____

Please describe why your department should have an additional membership _____

WILL THIS MEMBERSHIP REQUIRE AND PAY FOR OUT-OF-STATE TRAVEL? XYes No

If yes, list the anticipated number of trips per year and their purpose: 1-3 trips are anticipated; one for the annual meeting of which we represent Iowa on specific committees, and possible committee work groups.

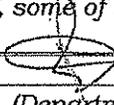
DESCRIBE WHY THIS MEMBERSHIP IS IMPORTANT TO THE WORK OF YOUR DEPARTMENT.

AFWA (Association of Fish and Wildlife Agencies) provides communication on issues of critical importance to agencies that are charged with managing fish and wildlife resources. This national organization works on issues of common interest and in many cases joint jurisdiction. Examples include wildlife diseases, migratory wildlife, farm bill programs, and climate change and its effects.

DESCRIBE HOW MEMBERSHIP IN THIS ORGANIZATION WILL BENEFIT THE TAXPAYERS OF THE STATE OF IOWA.

The taxpayers in this case are license purchasing hunters and anglers. No general tax revenue is spent in participation of this association. Anglers and hunters benefit directly from state agency collaboration on common issues affecting our fish and wildlife resources.

DESCRIBE THE FREQUENCY AND TYPE OF CONTACTS YOU EXPECT YOUR DEPARTMENT TO HAVE WITH THIS ORGANIZATION: Monthly or, at times, daily communication may occur via email or phone by DNR staff, some of who serve on committees for AFWA.

Requested by:  Bruce Troutman **Date:** 6/7/12
(Department Head Signature)

Membership Form 42400

July 2009

DOM: Approval Disapproval

Signature  **Date** 6/11/12

Executive Council of Iowa

TAB # 5

Capitol Building
Des Moines, Iowa 50319
Phone: 515 281-5368
FAX: 515 281-7562

REQUEST FOR MEMBERSHIP APPROVAL

DEPARTMENT REQUESTING MEMBERSHIP: Natural Resources

NAME OF ORGANIZATION: Product Stewardship Institute

NEW MEMBERSHIP: RENEWAL: X MEMBERSHIP PERIOD: 7/1/2012 - 6/30/2013

MEMBERSHIP FEE OR DUES AMOUNT \$ 6,000

Funding Source: State General Fund X Other State Funds: Household Hazardous Waste Acct.
Federal Funds Other Funds:

If Renewal, previous year amount: \$ 6,000

DO OTHER DEPARTMENTS BELONG TO THIS ORGANIZATION? Yes X No

If yes, please list: All state agencies are covered by one membership

Please describe why your department should have an additional membership:

WILL THIS MEMBERSHIP REQUIRE AND PAY FOR OUT-OF-STATE TRAVEL? Yes X No

If yes, list the anticipated number of trips per year and their purpose: Although not required, being a member gives us the opportunity to participate in meetings facilitated by PSI. Because many states have travel restrictions, PSI has made an effort to minimize the number of in person meetings and do as much work by conference calls, webinars, and e-mail as possible.

DESCRIBE WHY THIS MEMBERSHIP IS IMPORTANT TO THE WORK OF YOUR DEPARTMENT: PSI conducts research, develops pilot projects, and facilitates dialogues to address environmental concerns of specific products. This work is directly related to the work of the department. For example, PSI's work on fluorescent lamps was an invaluable resource for the report on mercury containing lighting that the department provided to the Iowa Legislature and PSI's work on mercury containing thermostats has been a tremendous resource for developing and implementing Iowa's thermostat recycling program. By joining with other state and local governments through PSI, we can engage manufacturers and retailers to develop programs that are consensus based and harmonized from one state to another.

DESCRIBE HOW MEMBERSHIP IN THIS ORGANIZATION WILL BENEFIT THE TAXPAYERS OF THE STATE OF IOWA: Traditionally local government has been responsible for managing products at their end-of-life. As the volume and toxicity of products increase, the cost to local governments to properly manage the products increases as well. PSI works with manufacturers and retailers to take responsibility for their products at the end-of-life and internalize those costs. Membership gives us priority selection for participation in pilots and other projects. This past year PSI worked with rural counties in Iowa and Illinois through a grant from USDA.

DESCRIBE THE FREQUENCY AND TYPE OF CONTACTS YOU EXPECT YOUR DEPARTMENT TO HAVE WITH THIS ORGANIZATION: Monthly membership calls, biweekly product stewardship updates, workgroup calls on specific products, government specific strategy calls, monthly Board of Directors calls, product specific e-mail lists, annual conference, 18 networking calls on a variety of issues, and frequent e-mail correspondence.

Requested by: Brian Tormey Date: 6/7/2012

Deputy Director: Bruce Troutman Date: 6/7/12

Director: Cheryl Gage Date: 6/7/12

DOM: Approval: X Disapproval:

Signature: [Signature] Date: 6/9/12

Executive Council of Iowa
Capitol Building
Des Moines, Iowa 50319
Phone: 515 281-5368
FAX: 515 281-7562

TAB # 6

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11 2012

IOWA DEPT. OF
MANAGEMENT

REQUEST FOR MEMBERSHIP APPROVAL

DEPARTMENT REQUESTING MEMBERSHIP: Revenue

NAME OF ORGANIZATION: Streamlined Sales Tax Governing Board

NEW MEMBERSHIP RENEWAL MEMBERSHIP PERIOD: 07/01/12-06/30/13
(Beginning and ending dates)

MEMBERSHIP FEE OR DUES AMOUNT \$ 21,080.00

Funding Source: State General Fund Other State Funds Federal Funds Other
Funds Streamlined Sales Tax Revenue
If Renewal, previous year amount. \$ 19,645.00

DO OTHER DEPARTMENTS BELONG TO THIS ORGANIZATION? Yes No

If yes, please list: _____

Please describe why your department should have an additional membership _____

WILL THIS MEMBERSHIP REQUIRE AND PAY FOR OUT-OF-STATE TRAVEL? Yes No
If yes, list the anticipated number of trips per year and their purpose: There are usually three trips per year. The meetings are held to discuss and vote on amendments to the operating agreement of the Governing Board. This is similar to the legislative process where amendments are proposed, modified, and then voted upon.

DESCRIBE WHY THIS MEMBERSHIP IS IMPORTANT TO THE WORK OF YOUR DEPARTMENT:

The Streamlined Sales Tax Project (SSTP) is an attempt by states to create uniform and simpler processes and procedures. This allows the Department to operate more effectively and efficiently.

DESCRIBE HOW MEMBERSHIP IN THIS ORGANIZATION WILL BENEFIT THE TAXPAYERS OF THE STATE OF IOWA.

The Streamlined Sales Tax Project was created by states to create uniform and simpler processes and procedures for sales and use tax. States become members in the project and receive sales and use tax revenue from out of state retailers. The State of Iowa has seen the benefit of having an additional 1,700 retailers registered for sales tax and collected \$56 million between fiscal year 2006 and 2011. We project additional collections of \$12 million in FY12. Without this membership, we would not be able to collect any of these additional sales taxes.

DESCRIBE THE FREQUENCY AND TYPE OF CONTACTS YOU EXPECT YOUR DEPARTMENT TO HAVE WITH THIS ORGANIZATION: The contacts are weekly through email and conference calls that deal with the different issues and amendments that are proposed.

Requested by: _____ Date: 06/08/12
(Department Head Signature)
Phone: 281-3204

DOM: Approval Disapproval

Signature [Signature] Date 6/12/12