

MINUTES

SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

November 10, 1992

PRELIMINARY BUSINESS

The November 10, 1992, meeting of the Service Committee of the Legislative Council was called to order by the Chairperson, Senator Michael Gronstal, at 11:15 a.m. in Room 22 of the Statehouse, Des Moines, Iowa. Members of the Committee who were present at the meeting, in addition to Chairperson Gronstal, were as follows:

Representative John Connors, Vice Chairperson
Senator Wally Horn
Senator Jack Rife
Representative Kay Chapman

Also present at the meeting were Ms. Diane Bolender, Director of the Legislative Service Bureau; Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau; Mr. Sanford Scharf, Director of the Legislative Computer Support Bureau; and Mr. William Angrick, Citizens' Aide/Ombudsman. Also present were members of legislative staff and other interested persons. Representative Connors moved that the minutes of the September 22nd meeting of the Service Committee, which had been previously distributed to the Committee members, be approved as distributed. There were no objections and the minutes were approved as distributed.

PROPOSED FY 94 BUDGETS

Chairperson Gronstal noted that the Committee members' packets each contained the proposed Fiscal Year 1994 budgets and budget allocations for the four Central Legislative Staff Agencies. He stated that the proposed budgets were there for informational purposes and that he did not intend that the Committee act on them until the December meeting of the Committee. Chairperson Gronstal said that if any members had already looked at the proposed budgets and had any questions on the proposed budgets, however, they could ask them today or at the next meeting. There were no questions regarding the proposed budgets and Representative Connors moved that the Committee receive and file the proposed budgets and budget allocations of the Central Staff Agencies. The motion was adopted by unanimous voice vote.

PERSONNEL REPORT OF THE LEGISLATIVE FISCAL BUREAU

Chairperson Gronstal recognized Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, for presentation of the personnel report of the Legislative Fiscal Bureau. A copy of the report is on file in the Legislative Service Bureau. Mr. Prouty noted that there are currently two vacant positions in the Fiscal Bureau and then introduced the following three new Fiscal Bureau employees to the Committee: Ms. Sharon Peterson, Legislative Analyst; Ms. Tami Fujinaka, Legislative Analyst; and Mr. Jon Muller, Legislative Analyst.

Mr. Prouty requested authorization to release to the Department of Revenue and Finance the software for the tax model, that was prepared under contract for the Tax Fairness and Equity Study Committee. Representative Chapman moved that the Legislative Fiscal Bureau be authorized to release the tax model to the Department of Revenue and Finance and that the personnel report of the Legislative Fiscal Bureau be received and filed. The motion carried on a unanimous voice vote.

PERSONNEL REPORT OF THE LEGISLATIVE SERVICE BUREAU

Chairperson Gronstal recognized Ms. Diane Bolender, Director of the Legislative Service Bureau, for presentation of the personnel report of the Legislative Service Bureau. A copy of the report is on file in the Legislative Service Bureau. Ms. Bolender began her report by introducing the following two new employees of the Legislative Service Bureau: Mr. Ed Cook, Legal Counsel, and Ms. Helen DeBartolo, Text Processor. Ms. Bolender noted that her report consisted of a report of a merit increase for Ms. Julie Livers, Legislative Information Officer, and a report that the Legislative Service Bureau has hired the following two additional employees: Ms. Carolyn Lumbard, Legal Counsel, and Ms. Jennifer Clark, Document Processor. Ms. Bolender stated that Ms. Lumbard would commence work shortly and that Ms. Clark had begun work yesterday, but was unable to be present for today's meeting. Ms. Bolender then introduced Mr. Steven Hansen, Proofreader, explaining that Mr. Hansen had begun work in the Bureau on October 19, 1992. One of the permanent proofreaders resigned on October 27, 1992, Ms. Bolender stated, and the Service Bureau does intend to fill the position as a session-only position. Ms. Bolender also noted that the Bureau has also not yet filled the session-only Document Processor position and the two Page positions.

Ms. Bolender concluded her presentation by notifying the Committee that she has been named Staff Vice Chair of the Assembly on the Legislature of the National Conference of State Legislatures for the year beginning November 1, 1992, and that she is also a member of the Legislative Staff Coordinating Committee of the National Conference of State Legislatures.

Senator Rife moved that the Committee receive and file the personnel report of the Legislative Service Bureau. The motion carried by unanimous voice vote.

PERSONNEL REPORT OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Gronstal recognized Mr. William Angrick, Citizens' Aide/Ombudsman for presentation of the personnel report of the Office of Citizens' Aide/Ombudsman. A copy of the report is on file in the Legislative Service Bureau. Mr. Angrick noted that his personnel report consisted simply of a report of a merit step increase for Ms. Judith Green, Executive Secretary. Representative Connors moved that the Committee receive and file the report. The motion carried on a unanimous voice vote.

ADMINISTRATIVE REPORT OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Gronstal again recognized Mr. William Angrick, Citizens' Aide/Ombudsman, for presentation of an administrative report. A copy of the administrative report is on file in the Legislative Service Bureau. Mr. Angrick stated that approximately one month ago he was approached by members of the Department of Natural Resources regarding any interest that the Office of Citizens' Aide/Ombudsman might have in being designated as the Ombudsman for Small Business under the requirements of the Federal Clean Air Act. The Ombudsman for Small Business, Mr. Angrick said, will be responsible for handling complaints relating to the permitting process established under the Act. Mr. Angrick stated that there is some startup money for an Ombudsman's office under the provisions of the Act that is generated by an assessment on stack emissions. This startup money is contained in a fund that is currently administered by the Department of Natural Resources, he said. At a later time, he stated, the money for the office will be derived from the licensing of stacks. Mr. Angrick noted that the Department of Natural Resources is currently also discussing the matter with the Department of Economic Development to determine whether they might have any interest in establishing such an office. Mr. Angrick concluded by stating that he was seeking direction from the Committee as to how he should proceed with the matter. He noted that if the Ombudsman's Office does become the designated Ombudsman for Small Business under the Act, he assumes that it will be accomplished through a Chapter 28E joint agreement that would be subject to Service Committee and Legislative Council approval in any case.

Representative Chapman asked why the duties of the Ombudsman for Small Business were not automatically to be assumed by the Department of Inspections and Appeals. Mr. Angrick noted that the Department of Natural Resources was the designated agency under the federal Clean Air Act and that the Act requires the establishment of an Ombudsman for Small Business. Chairperson Gronstal suggested that the reason that the Department of Inspections and Appeals could not act as the Ombudsman might have to do with the Department of Inspections and Appeals' role in reviewing administrative decisions of the Department of Natural Resources. He noted that it might not be appropriate for an appellate body to act as an advocate for someone who may be the subject of appellate review. Representative Chapman asked whether the provisions of the federal Clean Air Act require the Ombudsman to act as an advocate or as a neutral independent entity. Mr. Angrick responded that the Act appears to require the Ombudsman for Small Business to act both as an advocate and a neutral independent entity. He added that the reason that the request is so attractive to the Citizens'

Aide/Ombudsman Office is that, as was the case when the new underground storage tank legislation was passed, his office tends to receive calls, questions, and requests for information on this type of legislation anyway and acting as the Ombudsman for Small Business under the Act would at least provide the funds to support the staff necessary to provide the requested services. Representative Chapman indicated that she would like to see the specific duties and requirements attached to the designation of Ombudsman for Small Business before she could pass judgment on whether the Citizens' Aide/Ombudsman should assume those duties and responsibilities. Mr. Angrick indicated that he would provide that information.

Senator Rife asked about the discussions that the Department of Natural Resources was having with the Department of Economic Development about this same issue. Mr. Angrick responded that the DNR officials had told him that they were discussing the matter with the Department of Economic Development, but that when it came to the issue of potential cost, he had apparently estimated a significantly lower cost than DED had proposed. He noted that he had estimated that it would cost approximately \$60,000-\$70,000 to fund the position, including travel, and DED had estimated approximately \$100,000 in costs. Chairperson Gronstal noted that there already is a Waste Reduction Center at the University of Northern Iowa and Mr. Angrick commented that the Ombudsman for Small Business would act as a liaison to the Waste Reduction Center and also provide services relating to how the standards are enforced. Senator Rife asked how the Ombudsman for Small Business would interface with the "One-call" program through the Department of Economic Development that had been proposed by Representative Hatch several years ago.

Chairperson Gronstal noted that one of the problems that had been encountered in the area of environmental law is that businesses are reluctant to ask advice of the entity responsible for regulating them, since asking questions could expose a business to liability, and this had been the reason behind the creation of the Waste Reduction Center at the University of Northern Iowa. He added that, although he felt that it is appropriate for the Citizens' Aide/Ombudsman's Office to continue negotiations with the Department of Natural Resources, it is apparent that the members of the Service Committee are concerned as to the proposed structure of the proposed Ombudsman for Small Business position or office, and that the Committee should be informed of the potential duties and responsibilities associated with the proposal before any final decision is made. Representative Connors moved that the Citizens' Aide/Ombudsman be permitted to go forward with investigating the possibilities associated with becoming the Ombudsman for Small Business, if the Committee is provided with the answers to the questions that were put forth at today's meeting, before the next Committee meeting. Senator Rife queried when the Department of Natural Resources needs to establish the Ombudsman position. Mr. Angrick responded that there is approximately a year's time before the position must be in place, but that the Department needs to have designated an agency who will act as the Ombudsman within the next couple of months. Chairperson Gronstal noted that it might be appropriate for Mr. Angrick and the Department of Natural Resources to discuss the proposed structure of the Ombudsman for Small Business office with the members of the Environment Committees of the House and Senate.

Representative Connors, upon a brief discussion with Chairperson Gronstal, repeated the motion that the Citizens' Aide/Ombudsman be given permission to proceed with the negotiations as requested, but that the answers to the questions that had been posed at today's meeting be mailed out to the members prior to the next Committee meeting, so that the members would have time to consider the information they would need to know to make a decision. Chairperson Gronstal asked if there were any questions or discussion on the motion. There were no questions or comments and the motion passed on a unanimous voice vote.

PROPOSED POLICIES FOR PERSONNEL GUIDELINES

Chairperson Gronstal noted that, although the agenda contains an item referring to the proposed policies on sales, substance abuse, sexual harassment, and conflict of interest, the policies are not before the Committee today. He noted that drafts of the policies are currently being circulated among the various staffs and are being commented upon and considered by staff, but that it is expected that drafts of the proposed policies would be mailed to the members before the next meeting of the Committee.

ADDITIONAL BUSINESS

Chairperson Gronstal recognized Ms. Diane Bolender for presentation of a report. Ms. Bolender noted that each of the members had in their packets a memorandum regarding problems that the Service Bureau has been encountering with the bill drafting system. A copy of the memorandum is on file in the Legislative Service Bureau. Ms. Bolender then described the problems that the Bureau has been having with the computer locking up and losing text. She noted that she believes that the latest problem has been solved and that Mr. Scharf has been working diligently with Unisys to solve the latest problem. She emphasized that it is essential that the Bureau has a working system before the next General Assembly begins. Ms. Bolender then informed the members that the current ET terminals that are utilized by the Service Bureau and the Legal Counsel offices in for the House and Senate for inputting data are no longer being manufactured by Unisys. She noted that while the Computer Support Bureau has warehoused a number of terminals for spare parts, Unisys no longer wishes to provide support for the terminals and would like to work with the Bureau to develop a prototype program for a PC to replace the ET terminals that are currently in place. The cost of the development of the proposed prototype is approximately \$25,000 to \$30,000 and will require significant staff time, none of which is currently available. She stressed the need to move ahead to find a solution to the dilemma that is being faced by the current bill drafting system and expressed the hope to be able to continue work on this situation upon the conclusion of the upcoming session.

Representative Connors moved that the Committee receive and file the report. The motion passed on a unanimous voice vote.

ADJOURNMENT

The Committee adjourned at 11:34 a.m.

Respectfully Submitted,

LESLIE E.W. HICKEY
Legal Counsel

2800LC