

**OMBUDSMAN FOR SMALL BUSINESS STATIONARY SOURCES
OFFICE OF CITIZENS' AIDE/OMBUDSMAN**

**Work Plan
for
October 1, 1995 through June 30, 1996**

A. INTRODUCTION

Section 507 of the 1990 Clean Air Act Amendments requires the State of Iowa to implement a small business stationary source technical and environmental compliance assistance program (program). The Small Business Ombudsman is one of the three components of the program. The Office of Citizens' Aide/Ombudsman has been designated to provide the services of the Small Business Ombudsman. The Small Business Ombudsman for the State of Iowa is officially known as the Ombudsman for Small Business Stationary Sources (SBO). The other two components of the program are the Small Business Assistance Program, operated by the Iowa Waste Reduction Center at the University of Northern Iowa as the Iowa Air Emissions Assistance Program (IWRC), and the Compliance Advisory Panel (CAP).

The Office of Citizens' Aide/Ombudsman and the Iowa Department of Natural Resources entered into an interagency agreement December 1994, pursuant to Iowa Code chapter 28E, which sets forth the relationship between the agencies and their respective responsibilities under the program. This Work Plan, is for a continuation of the agreement and covers the period of October 1, 1995 to June 30, 1996. It is submitted to the Iowa Department of Natural Resources as a blueprint for activities during that period.

A. OVERVIEW OF THE OMBUDSMAN COMPONENT

1. Authority

The Office of Citizens' Aide/Ombudsman is an independent legislative agency charged under Iowa Code chapter 2C to receive and investigate complaints about administrative actions of Iowa state and local governmental agencies. The Citizens' Aide/Ombudsman has statutory authority to request assistance and information from an agency, which includes the powers to examine agency records, inspect premises under the control of an agency, attend hearings conducted by the agency, and issue subpoenas for testimonial or documentary evidence. After consideration or investigation of a complaint, the Citizens' Aide/Ombudsman renders an objective opinion and makes appropriate recommendations, in the interest of resolving the complaint or improving an agency's practices and procedures. The Citizens' Aide/Ombudsman also provides information in response to questions about an agency or may make referrals to other agencies or organizations for assistance or information.

The Citizens' Aide/Ombudsman shall perform the functions and duties of the SBO (set forth in this Work Plan) in accordance and consistent with the authority of the office. In performing such functions and duties, the Citizens' Aide/Ombudsman has direct access to assistance and information from appropriate agencies and officials, including the Iowa Department of Natural Resources, the Iowa Department of Economic Development, and the Iowa Waste Reduction Center.

2. **Staff**

The Citizens' Aide/Ombudsman has authority to delegate to a member of the staff the powers and duties of the office, except the authorities of making recommendations or issuing critical reports about an agency. In order to effectively accomplish the ombudsman's duties associated with the program, the Citizens' Aide/Ombudsman shall employ a full-time staff member who shall have primary responsibility to perform and provide the services of the SBO. The staff member shall be designated as the Assistant Ombudsman for Environmental Affairs and shall have sufficient education, experience, and training to serve in that capacity. That position is supervised directly by the deputy ombudsman with overall direction by the Citizens' Aide/Ombudsman.

The Assistant Ombudsman for Environmental Affairs resigned effective August 24, 1995. The Citizens' Aide/Ombudsman is currently recruiting for this position, which is anticipated to be filled by mid-November, 1995. It is noted that the first recruitment for the position was conducted at Legislative Pay Grade 29. Many highly qualified persons applied for the position but later withdrew from consideration when they learned the position only paid \$32,801 a year. The current recruitment is being conducted at Legislative Pay Grade 32, which begins at an annualized salary of \$38,854. It is anticipated we will attract and hire a person with more specific skills in the environmental area than was possible at the lower range. In addition, the Citizens' Aide/Ombudsman will employ or assign such support staff within budgetary limitations as necessary to assist in the work of the SBO during the course of this agreement.

3. **Duties**

The SBO shall have responsibility for the following duties:

- Refer small businesses to the IWRC and other appropriate resources and specialists where they may obtain information and assistance on affordable alternative technologies, process changes, products and operational methods to help reduce air pollution and accidental releases;
- Investigate and attempt to resolve complaints and disputes between small businesses and the state or local pollution control authorities, or the Iowa Waste Reduction Center;
- Review existing, proposed, and new federal, state and local regulations that impact small businesses and provide comments and recommendations regarding the development and implementation of regulations to federal and state/local pollution control authorities;
- Attend meetings and conferences of federal, state and local officials involved in administering the program, and participate in and help coordinate seminars and workshops with state regulatory officials, the IWRC, industry groups, and small business representatives;
- Disseminate information regarding operation of the SBO and other aspects of the program to small businesses and interested parties;

- Coordinate with the Iowa Department of Economic Development, other governmental agencies, and private sector financial institutions to assist small businesses in identifying and locating sources of funds to comply with air pollution control requirements;
- Work with other officials to conduct studies to evaluate the impacts of the 1990 Clean Air Act Amendments on the state's economy, local economies, and small businesses;
- Provide reports to higher authorities and the public regarding the work of the SBO and other components involved in implementation of the program.

To the extent any of the above duties interrelate or overlap with the duties of the IWRC, the SBO shall coordinate and work with the IWRC to provide for smooth interaction of activities and to avoid duplication of any efforts. The SBO shall cooperate with the CAP in the performance of any of its assigned duties which may involve the SBO.

C. PLANNED ACTIVITIES FOR FY96

This is the second year of the Small Business Ombudsman program. The work plan as outlined in Appendix 1 sets out those tasks the SBO program shall implement and shows the estimated timetable. The following is a more detailed discussion of that outline.

1. Outreach

This past year we began to implement an educational/outreach plan that focused primarily on contacting community groups such as chambers of commerce in selected areas of the state. Meetings were set up by the SBO and involved presentations by the IWRC and the voluntary inspections and educational unit of the IOSH to the community groups. Attendance at these meetings ranged from 3 to 60. Though low numbers were experienced at several meetings, we were gratified that those in attendance tended to be community decision makers and those of significance in the local business environment.

It is of note that most of the meetings indicated Iowans have a concern about divulging information to government agencies. There is a belief by many that doing so will cause their business to receive unwelcome governmental inspections and scrutiny. As a result, many businesses are not taking advantage of free, confidential, non-enforcement related inspections or site visits that are offered by the IWRC or the Iowa Occupational Safety and Health (IOSH). (IOSH compliance is not an issue regarding this contract. However we have found that it is a small business concern and our workshops have broader interest by their inclusion).

The impact of this is that many small business owners will attempt to avoid filing for voluntary operating permits. (The "out of sight and out of mind" theory of survival). And, worse yet, the result of that choice is that the small businesses will not really know if they need to purchase new equipment or make changes in their operation plans until a complaint is made and an enforcement visit is made later next year.

It is probable that many businesses will make hasty, ill informed and overly expensive decisions when often simpler and, perhaps, more economical

ways for coming into compliance may be available. Many of these small businesses will fail as a result of following this strategy. Simply, they will have run out of time to seek financing, if available, or properly evaluate and plan alternative ways to come into compliance.

- a. Continue the chamber and community group meetings unless the proposed supplemental education/outreach plan recommends against their continuance.

These meetings were implemented and coordinated by the SBO during the last program year. Representatives of the IWRC and the Division of Labor Services, Bureau of Consultation and Education's voluntary inspection unit have participated in these programs. They are focused at giving attendees basic information on compliance matters as well as offering confidential, no cost assistance.

Eleven of these meetings have been held in diverse areas of the state. Attendance has ranged from 3 to 60. They have resulted in many requests for on-site visits by the IWRC. The meetings have also provided candid feedback from small businesses about their anxieties and fears of divulging business information to government agencies.

- b. We believe that it is critical that the IWRC and our office be as effective as possible in contacting as many potentially affected Iowa small businesses because of the economic impact non-compliance may have on them. We are proposing, and will submit a supplemental budget for the ombudsman program to cooperatively use a consultant with the IWRC to formulate and implement a more targeted and effective education/outreach plan.

- c. Develop a relationship with the federal Small Business Administration Program.

The SBO will make contacts with the federal Small Business Administration and attempt to establish an on-going relationship where they would assist in distributing information about the ombudsman program and make their clients aware of the resources of our office. We will coordinate with them on effective ways to regularly communicate with small businesses and information about federal programs that could provide assistance.

- d. Seek space in *Closed Loop* and *Air Currents* to explain the SBO program to their readership.

These are publications of the IWRC and Department of Natural Resources respectively. These publications have a readership that has interests in environmental matters and would benefit from learning of our program.

- e. Continue efforts to establish relationships with various trade associations so the program will have a vehicle to distribute

targeted information on resources and regulatory changes to businesses most affected.

- f. Continue participation with the Citizens' Aide/Ombudsman's Office at its various outreach activities including the ombudsman's booth at the Iowa State Fair.
- g. If funded, implement the appropriate elements of the education/outreach plan in concert with the IWRC after it is completed.

2. Education

- a. Assist the Department of Economic Development with the development of their Permit Requirements book. This book is to be a resource listing for businesses letting them know what permits are required for doing various businesses. Currently there is no single source for this information in the State of Iowa.

3. Complaint Resolution

- a. Work with IWRC to ensure the timely referral of those complaints which are most appropriately resolved with the resources of the SBO.

It is appropriate the IWRC continue to resolve misunderstandings and issues that come to their attention as they have done prior to the establishment of the SBO. It is not the intention of the ombudsman to replace successful, existing complaint resolution processes. The investigation of some complaints, however, can benefit from the statutory powers granted the Citizens' Aide/Ombudsman in Iowa Code 2C. Timely referral of these matters can assist an appropriate resolution.

- b. Publicize, when appropriate, the impact of any successful complaint resolutions made.

Publication, through newsletters, annual reports, and press releases, raises the public's understanding of matters the SBO can assist with and improves its perception that government can be held accountable. And, when agencies are found to have acted appropriately, reassure the public that the actions of their officials are correct.

- c. Continue contact with legislators and other governmental officials to ensure they are aware of our Small Business Ombudsman program and how the program can help them resolve constituent complaints.
- d. Investigate and appropriately resolve any jurisdictional complaints that are filed with our office.

If a small business has a complaint or dispute regarding air pollution control regulation with a state or local agency, the SBO shall make a preliminary inquiry and if appropriate, investigate the complaint. The SBO shall investigate a complaint concerning an action or inaction by the IWRC. Investigative methods may include obtaining statements or testimony from the complainant, agency or others knowledgeable about the subject matter, reviewing records or documents, and making site visits for observation or consultation.

If the complaint is substantiated, the SBO may make appropriate suggestions or recommendations to the agency or official involved to resolve the complaint. The SBO may issue a report of the findings, conclusions and recommendations. Before publishing any report which is critical of an agency or official, the SBO shall consult with the agency or official involved. The SBO shall attach to the published report any written comments by the agency or official concerning the report.

4. **Regulation and Law Review**

- a. Review and provide comment regarding relevant proposed rules to the Department of Natural Resources.
- b. Review and provide comment regarding relevant proposed rules to the federal Environmental Protection Agency.
- c. Regularly attend meetings of the Administrative Rules Review Committee that are relevant to the program.

5. **Legislative Agenda**

Develop and present a proposal that will provide financial assistance and incentives for small businesses needing to purchase and install pollution abatement equipment. The proposal will consider the use of subsidized or guaranteed loans, sales tax exemption, and property tax abatements as a way to minimize the financial impact of coming into compliance with the requirements of the Clean Air Act by small businesses.

The SBO's informal surveys of the financial community indicates that there are no (or highly limited) practical sources of funds for small business owners who need to make equipment or physical changes to their operations to enable them to either come into compliance with the Clean Air Act or to be able to reduce their emissions below the point where they would need a permit.

6. **Problem and Issue Identification and Resolution**

- a. Further research financing options for small businesses needing to purchase equipment or make capital improvements to support
5-a. Seek contacts within the state's financial community.
- b. Complete a review to determine if enhancements need to be made for the cost identification and justification requirements that are completed prior to the implementation of laws or regulations.

- c. Continue to advise and consult with the Department of Natural Resources in the development of permit application forms and flow to ensure ease of understanding by applicants.

There has been a very high number of permits that have been rejected at the time of submission due to incomplete or inaccurate data. This contributes to the backlog of applications at DNR and the rejections increase the hostility of applicants to the permitting process. The SBO will continue to work with both DNR and IWRC with a common goal of "One Pass" permit application process. (Having permit applications submitted that are able to be processed based upon the initial application.)

7. Program and Grant Administration

- a. Complete the hiring, training and orientation of a new assistant ombudsman for environmental affairs to fill the current vacancy.

The position was filled from January 27, 1995 through August 24, 1995 when the incumbent resigned. The position has been re-advertised and 31 applications were received and are now being reviewed.

During the periods of vacancy the deputy ombudsman has been fulfilling the responsibilities of the Small Business Ombudsman with additional assistance from the ombudsman and other staff.

- b. Have the assistant ombudsman for environmental affairs:

- 1) Complete required Iowa state employee drivers training.

It is anticipated that this position will continue to do active outreach and community education/complaint resolution through out the state. Driving state vehicles or personal vehicles on state business requires the completion of this course.

- 2) Attend the EPA Small Business Ombudsman/Small Business Assistance Program conference.
- 3) Successfully complete the Council on Licensing, Enforcement and Regulation's basic investigators course and obtain certification.
- 4) Complete a 40 hour course on mediation techniques.
- 5) Attend and participate in relevant SBO/SBAP teleconferences and satellite programs.
- 6) Attend and participate in relevant EPA sponsored APTI teleconferences and self study training programs.

- c. Complete remodeling of the office space needed to accommodate the SBO program.

The addition of staff and equipment, supplies and materials associated with the SBO creates additional demand for work and storage space on an already congested office. Therefore, the Office of Citizens' Aide/Ombudsman negotiated with the Iowa Department of General Services remodeling of the physical office to fully meet the needs of the entire staff in terms of additional space for offices, conference room, library, and storage area. Until the remodeling is completed, the Office of Citizens' Aide/Ombudsman is readjusting the office set-up to adequately accommodate the work of the SBO. All remodeling work is being done in compliance with the mandates of the American with Disabilities Act (ADA).

- d. Recruit intern and part time clerical/administrative support personnel as needed to implement the work plan.

D. MAINTENANCE OF RECORDS

The Citizens' Aide/Ombudsman Office has a computerized intake system for the receipt of information requests and complaints. This system allows the SBO to maintain records of contacts with small businesses, to help ensure necessary follow-up action is taken (referral to another agency or resource, preliminary inquiry, investigation, etc.) and to facilitate generation of statistical and other reports concerning the SBO operation.

The SBO shall also maintain a record of each contact which requests information or assistance related to the program.

Pursuant to Iowa Code section 2C.8, records maintained in the performance of the duties of the SBO are deemed confidential and shall not be disclosed, except for releases which are in accordance with the administrative rules of the Office of Citizens' Aide/Ombudsman (141 I.A.C.)

E. BUDGET AND ALLOCATION OF RESOURCES

Following is the budget for the period covered by this Work Plan. It is noted that this budget is for a 9 month period which will allow us to shift from a Federal fiscal year budgeting time frame to the state's July to June fiscal year scheme. A supplemental budget request for \$10,000 will be submitted to fund the development and implementation of an education/outreach plan. This budget is based upon the assumption that the permit fee system is in place and that \$55,875 shall be available to support the SBO.

Budget Summary	Request
100 Personnel	\$39,519
Assistant Ombudsman II - 17 pay periods @ Grade 32	
Student Intern & Clerical Support - 9 pay periods @ Grade 19	
200 Travel	\$5,863
300 Office Supplies	\$1,993
309 Printing	\$1,000
401 Communications	\$1,800
405 Professional and Scientific Services	\$200
500 Office Equipment	\$500
600 Office Space	\$5,000
Total	<u>\$55,875</u>

This budget does not take into account any allowable indirect costs which the SBO expects to incur during the covered period. Indirect costs may be considered in determining future budgets.

Submitted by:



William P. Angrick II
Citizens' Aide/Ombudsman

Appendix A

The Iowa Citizens' Aide/Ombudsman's' Small Business Ombudsman Program
1996 Work Plan

1. Outreach

<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a) Continue chamber and community group meetings with supporting agencies unless completed educational/outreach plan recommends against it.	X		X	Continual
b) Develop a proposal to solicit an educational/outreach plan to help identify and notify small businesses of issues relating to environmental compliance and how to resolve disputes with government agencies.	X		X	1st Quarter
c) Develop a relationship with the federal Small Business Program.			X	1st Quarter
d) Seek space for 1 time column in <i>Closed Loop and Air Currents</i> .	X			2nd Quarter
e) Develop a relationship with various trade associations.		X	X	Continual
f) Continue participation with ombudsman's office at its various outreach activities including the booth at the State Fair.	X	X	X	Continual
g) If funded, implement the educational/outreach plan developed in the 1st quarter in cooperation with the Iowa Waste Reduction Center.	X		X	2nd>4th Quarter

2. Education

<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a) Assist in the development of the DED Permit Requirements book.		X		2nd Quarter

3. Complaint Resolution

<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a) Work with UNI staff to ensure appropriate complaints are referred to us in a timely fashion to prevent the issues from becoming too old for us to be helpful.	X			1st Quarter
b) Publicize, when appropriate, the impact any success cases may have had.			X	Case Specific
c) Make contact with legislators and other governmental officials to ensure they are aware of our Small Business Ombudsman program and how we can help them with constituent complaints.			X	Continuous
d) Investigate and appropriately resolve any jurisdictional complaints filed with our office.			X	Continuous

Appendix A
**The Iowa Citizens' Aide/Ombudsman's' Small Business Ombudsman Program
 1996 Work Plan**

4. Regulation and Law Review

<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a) Review and provide comment regarding relevant proposed rules to DNR.			X	Continuous
b) Review and provide comment regarding relevant proposed rules to EPA.			X	Continuous
c) Regularly attend those meetings of the Admin. Rules Review Committee that are relevant to the program.			X	Continuous

5. Legislative Agenda

<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a) Develop and present proposal considering the use of subsidized or guaranteed loans, sales tax exemption, and property tax abatements for pollution abatement equipment. Proposal to be drafted in November.			X	1st &-2nd Quarters

6. Problem and Issue Identification and Resolution

<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a) Further research financing options for small businesses needing to purchase equipment in order to come into compliance. Seek contacts in the financial community.			X	1st & 2nd Quarters
b) Complete review of the issue: "Does there need to be enhancements made to the requirements for cost identification prior to the implementation of laws or regulations?"			X	4th Quarter
c) Work towards a goal of a "one pass" permit application process. Seek plain language, relevant forms to simplify process for small businesses and reduce numbers of incomplete or inadequate applications that are rejected by DNR and therefore reducing the processing backlog.	X		X	Continuous

Appendix A
**The Iowa Citizens' Aide/Ombudsman's' Small Business Ombudsman Program
 1996 Work Plan**

7. Program and Grant Administration

	<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a)	Complete hiring, training and orientation of new small business ombudsman to fill position vacancy.			X	1st Quarter
b)	Have the assistant ombudsman for environmental affairs:				
1)	Complete driver's safety training.				1st Quarter
2)	Attend EPA Small Business Ombudsman/SBAP conference.				February, 1996
3)	CLEAR Investigators Certification.				4th Quarter
4)	Complete 40 hour training in Mediation.				4th Quarter
5)	Attend/participate relevant SBO/SBAP teleconferences and satellite programs.				Continuous
6)	Attend and participate in relevant EPA sponsored APTI teleconferences and self-study training programs.				
c)	Complete remodeling of office space needed to accommodate the SBO program.			X	3rd-4th Quarter
d)	Recruit Intern & PT Clerical.			X	Continuous

8. Maintenance of Records

	<u>Task</u>	<u>UNI</u>	<u>DED</u>	<u>Other</u>	<u>Time</u>
a)	Maintain a record of each contact which requests information or assistance related to the SBO program.			X	Continuous
b)	Maintain the confidentiality of Citizens' Aide/Ombudsman records as required by Iowa Code section 2C.8.			X	Continuous

EDUCATIONAL LEAVE REPORTS

Attached are the Educational Leave Reports for 1995

as Required Under Section 70A.25 of the Code



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PERSONNEL
LINDA G. HANSON, DIRECTOR

October 9, 1995

RECEIVED

OCT 09 1995

LEGISLATIVE SERVICE
BUREAU

MEMORANDUM

TO: Legislative Council

FR: Linda ^{PH}Hanson, Director

RE: Report of Educational Leave/Educational Assistance

In accordance with Iowa Code chapter 70A.25(3), I hereby submit the FY '95 Educational Leave/Educational Assistance Report.

Thank you.

**EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT
ANNUAL REPORT 1994**

DEPARTMENT	HRS MISSED		DIRECT COSTS		TOTAL DIRECT COSTS	INDIRECT COSTS	COST SAVINGS
	W/PAY	W/O PAY	TUITION	OTHER			
Executive Branch							
Agriculture (009-013-014)			No Expenditures				
Auditor (126)			No Expenditures				
Blind (131)	-0-	-0-	397.20	180.00	577.20		
Civil Rights (167)			No Expenditures				
Commerce (211-219)	N/A	N/A	1,757.90	157.00	1,914.90	-0-	-0-
Commission of Veterans' Affairs (671)	257.58	-0-	2,114.56	-0-	2,114.56	3,443.27	
Corrections (288-291)			No Expenditures				
Cultural Affairs (259)	32		420.00		420.00		
Economic Development (269-270)			1,425.00	150.00	1,575.00		
Education (282-283)	165		1,052.00	710.00	1,762.00		1,520.00
College Aid (284)	-0-	-0-	1,080.00	67.10	1,147.10	-0-	-0-
Public Television (285)	184	N/A	5,725.50	595.00	6,320.50	-0-	
Elder Affairs (297)			No Expenditures				
Employment Services (309-311)			No Submission				
Fair Authority (011)			No Submission				
General Services (337-339)			No Submission				
Governor (350-351)			160.80	45.10	205.90		
Human Rights (379)			No Expenditures				
Human Services (401-413)			No Submission				
IA Ethics & Campaign Disclosure Board (140)			No Expenditures				
Inspections & Appeals (427-429)			No Expenditures				
Justice (112-114)			No Expenditures				
Law Enforcement (467)			No Submission				
Management (532)	-0-	-0-	148.00	50.60	198.60	-0-	-0-
Natural Resources (542)	64	1,040	10,714.45	222.40	10,936.85	14,500.00	18,750.00
Parole (547)			No Expenditures				
Personnel (552)	-0-	-0-	185.80	83.20	269.00		
Public Employment Relations (572)			No Expenditures				
Public Defense (582-583)	-0-	-0-	430.00	135.00	565.00	-0-	672.64
Public Health (588)			No Submission				
Public Safety (595)	8	-0-	218.80		218.80		
Regents (615)			No Expenditures				
Revenue & Finance (625-627)			270.00		270.00		
Secretary of State (635)			No Expenditures				
Transportation (645)	50.5	50.5	7,589.56	1,189.61	8,779.17		
Treasurer (655)			No Submission				
Judicial Branch (440-449)							
Court Administrator			No Submission				
Legislative Branch (500-509)							
Senate			1,002.00	149.65	1,151.65		
House			No Expenditures				
Service Bureau			No Expenditures				
Fiscal Bureau			No Submission				
Code Editor			No Submission				
Citizens' Aide			No Expenditures				

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

Iowa Department for the Blind
(Department)

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LEGISLATIVE SERVICE
BUREAU

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
LuAnn Folkers	Accounting Clerk II	MS-DOS: An Intorudction	0	0	\$ 49.65	\$ 60.00		
LuAnn Folkers	Accounting Clerk II	Introduction to Computer Literacy	0	0	\$148.95			
LuAnn Folkers	Accounting Clerk II	Program Logic Design	0	0	\$198.60	\$120.00		
TOTALS			0	0	\$397.20	\$180.00		

Iowa Department of Personnel

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

All departments are required to report to the Department of Personnel and the Legislative Council not later than October 1 of each year, the direct and indirect costs to the department of educational leave and educational assistance granted to employes during the preceding fiscal year (Chapter 70A.25, subsection 3, Code of Iowa).

IMTS or departmental courses should not be listed on this report. Please send one copy of this report to the Department of Personnel, Development Bureau and one copy to the Legislative Council in care of the Legislative Service Bureau.

Instructions to complete the report are as follows:

Fiscal Year - Enter the fiscal year for this report.

Department - Enter the name of the department.

1. Employee Name - List employees at random or in alphabetical order.
2. Classification - Enter employee's classification held at the time of taking the course work.
3. Course Title - Enter the name of each course taken by the employee separately by line.
4. Hours Missed - This refers to the total number of work hours missed by the employee to attend the course work, either with pay (W/Pay) or without pay (W/O Pay). Enter total number of hours in the appropriate column. If the employee did not miss work hours, enter a zero.
5. Direct Costs - Expenses incurred by the department as a result of educational expenses reimbursed to the employee or direct billing by the school.

Tuition - Costs of tuition for course work taken.

Other - Costs of books, fees, or other expenses.

If no cost was incurred, enter a zero.

6. Indirect Costs - Costs incurred by the department as a result of making adjustments in employee work assignments or department operations necessitated by the educational leave or assistance. Enter an estimated cost figure. If no cost was incurred, enter a zero.
7. Cost Savings - Estimated savings to the department as a result of the leave granted or the employee taking the course work. This could include, but not limited to, the savings in wages not paid to the employee or savings in increased efficiency in operations. Enter estimated cost figure.
8. Totals - Add up totals for following columns: Hours Missed, Direct Costs, Indirect Costs, and Cost Savings.

Iowa Department of Personnel

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

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7. Cost Savings - Estimated savings to the department as a result of the leave granted or the employee taking the course work. This could include, but not limited to, the savings in wages not paid to the employee or savings in increased efficiency in operations. Enter estimated cost figure.
8. Totals - Add up totals for following columns: Hours Missed, Direct Costs, Indirect Costs, and Cost Savings.

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

Commerce & Justice (Consumer Adv. only)
(Department)

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Indirect Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
Donna Graves	Clerk 4	Management Ethics	--	--	250.00	0	0	0
Jahan Selim	Utilities Engr. 2	Technical & Bus. Writing	--	--	148.95	100.00	0	0
Karen Faust	Secretary I	Intro to Computer Literacy	--	--	158.95	57.00	0	0
Dawn Geiger	Utility Analyst 2	Public Admin. & Policy			300.00	--	0	0
" "	" "	Organization & Mgt. Theory	--	--	300.00	--	0	0
Phyllis Costa	Sr. Utility Analyst	Capital Mgt.	--	--	300.00	--	0	0
" "	" "	Statistical Analysis	--	--	300.00	--	0	0
TOTALS			--	--	1757.90	157.00	0	0

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

Commission of Veterans Affairs/Iowa Veterans Home
(Department)

RECEIVED

OCT 02 1995

LEGISLATIVE SERVICE
INDUSTRIAL BUREAU

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Indirect Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
Tammy Fishback	Resident Treatment Worker	Nurse Aide Course	0	0	150.03*	0	0	
Jennifer Kacer-Purvis	Resident Treatment Worker	Nurse Aide Course	0	0	200.00*	0	0	
Kim Baccam	Resident Treatment Worker	Nurse Aide Course	0	0	49.56*	0	0	
Myra Heitert	Resident Treatment Worker	Nurse Aide Course	0	0	19.75*	0	0	
Dan Quint	Resident Treatment Worker	Nurse Aide Course	0	0	159.36*	0	0	
Donna Ball	Resident Treatment Worker	Nurse Aide Course	0	0	183.33*	0	0	
Kanae Kohler	Resident Treatment Worker	Nurse Aide Course	0	0	208.53*	0	0	
Rebecca Mulinix	Resident Treatment Worker	Nurse Aide Course	0	0	52.00*	0	0	
TOTALS			0	0	1022.56	0	0	

*Reimbursement required by the State on a monthly basis.

Iowa Department of Personnel

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

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EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

Commission of Veterans Affairs/Iowa Veterans Home
(Department)

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Indirect Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
Betty Boerm	Resident Treatment Worker	Medication Aide	33.75	0	156.00	0	458.50**	
Brenda Crawford	Resident Treatment Worker	Medication Aide	24.	0	156.00	0	303.92**	
Stacey Rector	Resident Treatment Worker	Medication Aide	38.25	0	156.00	0	517.45**	
Deanna Baccam	Resident Treatment Worker	Medication Aide	25.	0	156.00	0	330.12**	
Yolanda Reed	Resident Treatment Worker	Medication Aide	30.	0	*	0	329.40**	
Roberta Selsor	Resident Treatment Worker	Medication Aide	40.25	0	156.00	0	506.97**	
Connie Blankenfeld	Resident Treatment Worker	Medication Aide	34.33	0	156.00	0	469.87**	
Linda Campbell	Resident Treatment Worker	Medication Aide	32.	0	156.00	0	527.04**	
TOTALS			257.58	0	1092.00	0	3443.27	

*Did not request any reimbursement despite numerous requests for paperwork.

**Overtime pay utilized in order to maintain staffing minimums. Training is required by Dept. of Inspections & Appeals.

Iowa Department of Personnel

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

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EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

DNR
(Department)

RECEIVED

JUL 25 1995

LEGISLATIVE SERVICE BUREAU

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Indirect Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
Angela Corio	Outdoor Rec Plan	Intro to Microstation	0	0	101.95	0	0	2,000
Howard Friedman	Program Planner	Intermediate Macroeconomic Anal.	0	0	630.00	44.40	0	1,000
Gary Dusenberry	Park Ranger	Computer Concepts	0	0	79.00	0	0	250
Patti Cale	Inf. Specialist	Corporate Comm. Management	0	0	720.00	0	0	1,000
Patti Cale	Inf. Specialist	Communication Research	0	0	720.00	0	0	1,000
Cherity Gabrielle	Comp. Programmer	Hist 134 Contemporary Europe CS135 Program Lang	0	0	1260.00	0	0	2,000
Matthew Culp	Env. Specialist	Agriculture & Wildlife	0	0	192.00	0	0	500
Caroline Gathright-Conner	Env. Specialist	Quant Mgt Methods Pub. Admin & Policy	0	1040	0	0	14,500	N/A
Elizabeth Hicks	Env. Specialist	Quant Methods Pub. Mngrs.	0	0	720.00	0	0	1,000
Gail George	Env. Specialist	Applications of GIS	0	0	630.00	0	0	1,000
Roya Stanley	Pub. Serv. Exec.	Managerial Econ	0	0	780.00	0	0	1,000
Jennifer Koppie Sells	Consv. Officer	Env Science UST 223 Dev.&Criminal Behavior Ind Study AECL 490	0	0	864.00	150.00	0	1,500
TOTALS								

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

Iowa Public Television
(Department)

RECEIVED

SEP 18 1995

LEGISLATIVE SERVICE
DIRECT COSTS

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Cost Savings
			W/Pay	W/O Pay	Tuition	Other	
Allen Waterman	Data Proc Spec. 1	Certified Novell Engineer	120	-----	4356.50	595.00	0
Ross Segar	Pub Serv Supv. 2	Pneumatic School	16	-----	185.00		0
Pheng Chanthavong	Storekeeper 3	Pneumatic School	16	-----	185.00		0
Harriet Pack	Clerk 3	How To Be A Better Receptionist	8	-----	139.00		0
Molly Phillips	Exec Officer 2	Documentation Needed	8	-----	120.00		0
Kristine Houston	Pub Serv Exec. 4	When You Terminate An Employee	8	-----	120.00		0
Kristine Houston	Pub Serv Exec. 4	Discrimination Law	-----	-----	425.00		0
Melanie Campbell	Info Spec. 2	Desk Top Publishing Design	8	-----	195.00		0
TOTALS			184	-----	5725.50	595.00	0

Iowa Department of Personnel

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

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Other - Costs of books, fees, or other expenses.

If no cost was incurred, enter a zero.

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Iowa Department of Personnel

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EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

House of Representatives

(Department)

RECEIVED

OCT 03 1995

LEGISLATIVE SERVICE BUREAU

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Indirect Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
NO COSTS WERE INCURRED								N/A
TOTALS			0	0	0	0	0	0

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

Fiscal Year 1995

LEGISLATIVE SERVICE BUREAU
(Department)

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Indirect Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
NO LEAVE OR ASSISTANCE GRANTED								
TOTALS								

Iowa Department of Personnel

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

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EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

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SEP 14 95

Legislative Service Bureau

Fiscal Year 1995

Citizens' Aide/Ombudsman
(Department)

Employee Name	Classification	Course Title	Hrs. Missed		Direct Costs		Indirect Costs	Cost Savings
			W/Pay	W/O Pay	Tuition	Other		
NONE								
TOTALS								

Iowa Department of Personnel

EDUCATIONAL LEAVE/EDUCATIONAL ASSISTANCE REPORT

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**OMBUDSMAN FOR SMALL BUSINESS STATIONARY SOURCES
OFFICE OF CITIZENS' AIDE/OMBUDSMAN**

Supplemental Budget Request for FY96

October 26, 1995

A. BACKGROUND

Last year the Iowa Office of Citizens' Aide/Ombudsman entered into an interagency agreement with the Department of Natural Resources to implement the small business ombudsman (SBO) requirement of the Federal Clean Air Act. The Citizens' Aide/Ombudsman Office hired a staff member to fulfill the *ombudsman for small business stationary sources* role. The position has a working title of Assistant Ombudsman for Environmental Affairs.

During the implementation of the FFY95 workplan meetings were held with chambers of commerce, other local organizations and officials in several communities scattered across the State of Iowa. The meetings were implemented and coordinated by the Citizens' Aide/Ombudsman Office and included representatives of the Iowa Waste Reduction Center (IWRC) and the voluntary inspection section of Iowa Occupational Safety and Health (IOSH).

The meetings involved presentations about the small business ombudsman services, the air and waste reduction resources offered by the IWRC, and the broader services routinely available to Iowans by the Citizens' Aide/Ombudsman office. IOSH was invited to participate because of the intense interest and questions that the small business community had about their program. Their voluntary, confidential, non-enforcement inspections that are geared to helping small businesses become aware of IOSH requirements are complementary to the types of resources being offered by both the IWRC and ombudsman offices.

B. PROBLEM IDENTIFIED

As mentioned, the meetings were set up by the SBO and involved presentations by the IWRC and the voluntary inspections and educational unit of IOSH to the community groups. Attendance at these meetings ranged from 3 to 60. Though low numbers were experienced at several meetings, we were gratified that those in attendance tended to be community decision makers and those of significance in the local business environment.

It is of note that most Iowans have a concern about divulging information to government agencies. There is a belief by many that doing so will cause their business to receive unwelcome governmental inspections and scrutiny. As a result, many businesses are not taking advantage of free, confidential, non-enforcement related inspections or site visits offered by the IWRC or IOSH. (IOSH compliance is not an issue regarding this contract. However we have found that the concerns voiced about IOSH are similar to those voiced by small businesses owners regarding any governmental intrusion into their business or personal affairs.)

The impact of this is that many small business owners may attempt to avoid disclosure to government by not filing for voluntary operating permits. (The "out of sight and out of mind" theory of survival.) And, worse yet the result of that choice is small businesses will not really know whether they need to purchase new

equipment or make changes in their operations until a complaint is made and an enforcement visit is made later next year.

It is clear from the observations that were made during these community presentations that a sense of urgency needs to be developed in the affected small businesses. We need to develop a more refined outreach strategy if we are to be effective in motivating Iowa's small businesses to assess their operations compliance with the requirements of the Clean Air Act. This strategy must ensure we not only reach affected small business owners but that we are able to motivate them into taking needed corrective action as well.

C. PROPOSED SOLUTION

The Citizens' Aide/Ombudsman Office and the Iowa Waste Reduction Center have considered this problem in light of their existing budgets, staff resources, and coming deadline for the submission of voluntary permits. We propose a joint effort to develop an educational/outreach plan similar in concept to a "marketing plan" for the SBO/IWRC programs that:

- 1) Makes small businesses aware of their Clean Air Act obligations;
- 2) Makes small businesses aware of the IWRC and SBO resources and efforts to help them;
- 3) Raises the sense of urgency in small businesses about complying with air emission requirements;
- 4) Raises image and logo identification of IWRC and the SBO to the point of common familiarity;
- 5) Identifies communication methods and strategies to help the IWRC and SBO overcome apprehensions small businesses have regarding government. This should assist in obtaining compliance;
- 6) Identifies future "outreach" opportunities and;
- 7) Identifies and proposes measurements or tools that can be implemented by the IWRC and SBO that can gauge their success in implementing the educational/outreach plan. Ideally the measurements or tools will also help be able to assist the SBO in continual re-evaluation of it's approach.

In discussions with the IWRC, they are able to proceed with such a joint effort using their existing budgetary resources. However, this is not the case for the SBO budget. The Citizens' Aide/Ombudsman Office has unanticipated budgetary limitations in light of our need to pay the SBO at a higher pay range in order to attract qualified applicants. A supplemental budget request is being made to accommodate the added activities anticipated as a result of getting a formalized outreach plan prepared.

D. SUPPLEMENTAL WORKPLAN

1) Seek Proposals

The SBO and IWRC will cooperatively seek to develop an educational/outreach plan that will satisfy the requirements mentioned in section E. Efforts will be made to obtain a plan as expeditiously as possible. The goal would be to begin actual implementation of the plan in

the 1st quarter of CY1996.

2) **Implement joint outreach plan.**

This will be implemented after the completion of the plan. The elements will be defined during its development. It is anticipated that the SBO portion may call for the development of a logo, design or re-design of a newsletter, a "Tool Box" of compliance resources and brochures, creation of public service announcements and identification of targeted audiences and how best to communicate with them.

Note the following items are included in this proposal *as examples* of tasks or projects that could be recommended in the final educational/outreach plan. Whether or not to continue current efforts or implement the projects listed below will be determined by recommendations of the plan.

- 1) Community group meetings, both chambers of commerce and other groups related to the local business economy will continue. Consideration will be given to the savings that may be offered by using the Iowa Communications Network versus the importance and impact of in-person meetings.
- 2) Develop a "welcome" letter to be sent to newly targeted businesses immediately prior to the initial IWRC mailings. This letter will inform the business of the SBO resources and how it may be able to help them deal with government problems. It will set a helpful tone hopefully increasing the response to forthcoming IWRC mailings.
- 3) Create ways to provide timely updates and alert notices to chambers, community groups and trade associations.
- 4) Consider the installation of a "Faxback" system which would allow small businesses to query the list of prepared fax documents and route them to their own FAX. This could include subjects such as proposed rules and regulations, copies of reports or information sheets on financing or other environmental issues. In conjunction with a newsletter, a system as proposed could also be used to solicit opinions of small businesses about proposals, regulations or laws.
- 5) Develop a newsletter, based upon recommendations of the educational/outreach study, that targets small businesses, trade associations, chambers and community organizations. The newsletter would be a vehicle to inform readers of the confidential resources of the Iowa Citizens' Aide/Ombudsman Office and specifically the SBO program. It is envisioned to be an up-date on law, regulation changes and resources available to help small businesses.

- 6) Seek permission for the use of the IWRC mailing list for a one time mailing informing those on that list of the resources of the SBO. This will be accomplished in the second or third quarter depending on the outcome of the educational/outreach study. Continue the chamber/community group meetings unless the study recommends against their continuance.
- 7) Design brochures, and if recommended, logos that will help small businesses more easily recognize the SBO and be aware of the assistance that is offered.

E. BUDGET AND ALLOCATION OF RESOURCES

Following is the supplemental budget that will fund the educational/outreach planning study. It includes the current year implementation of those recommendations which can be implemented within program and funding limitations.

Budget Summary		FFY96 Request
100	Personnel	\$0
200	Travel	\$1,162
300	Office Supplies	\$738
309	Printing	\$1,500
401	Communications	\$0
405	Professional and Scientific Services	\$6,600
500	Office Equipment	\$0
600	Office Space	\$0
Total Request for FY96		\$10,000

This budget does not take into account any allowable indirect costs which the SBO expects to incur during the covered period. Indirect costs may be considered in determining future budget requests.

Submitted by:



William P. Angrick II
Citizens' Aide/Ombudsman



Iowa Citizens' Aide/Ombudsman Office Small Business Ombudsman Program Quarterly Report

TO: Pete Hamlin, Chief, Air Quality Bureau, IDNR
FROM: William P. Angrick II, Citizens' Aide/Ombudsman *WPA*
RE: Quarterly Report for Period ending September 30, 1995
Date: November 8 1995

I. INTRODUCTION

The Citizens' Aide/Ombudsman Office contracted, pursuant to Iowa Code Chapter 28E, with the Iowa Department of Natural Resources to provide the Small Business Ombudsman (ombudsman) services required in Section 507 of the Clean Air Act Amendments of 1990, effective December 1, 1994.

II. STAFFING

The Citizens' Aide/Ombudsman's Office is staffed with the ombudsman, a deputy, legal counsel, six trained investigators, and three support staff. Additionally, a staff person, Craig Arterburn, was hired January 27, 1995 as an Assistant Ombudsman for Environmental Affairs in the Citizens' Aide/Ombudsman Office with the primary responsibility to carry out this office's responsibilities under Section 507 of the Clean Air Act Amendments of 1990. Mr. Arterburn resigned effective August 25, 1995 and there is an active search to fill the vacancy. It is expected the position will be filled by mid-November. In the meantime the duties of the position are being filled by Deputy Citizens' Aide/Ombudsman Duncan Fowler.

In May 1995, Diane Schinkle was hired as a summer intern to assist Mr. Arterburn. Ms. Schinkle is a senior at Dordt College majoring in Environmental Studies. Ms. Schinkle returned to college on August 30, 1995 but will be assisting on various program projects throughout the school year.

III. COMPLETION OF DUTIES

Because of the unexpected vacancy of the Assistant Ombudsman for Environmental Affairs position, this past quarter has been one of transition. We completed many commitments that were made by the former assistant for environmental affairs, began recruiting for the new assistant and began budget and program planning preparations for the next program year.

INVESTIGATIONS & RESOLUTIONS

Not surprisingly, no new complaints that directly related to the Clean Air program were received this quarter. There were, however, 2 complaints that dealt with hog lots. One related to delays in getting a construction permit and the other was a person concerned about the proximity of a lagoon that was being built and her worry of having to move. In the first case, we facilitated getting the complainant and staff member at DNR together. In the complaint regarding the lagoon location, copies of the new regulations were sent to the complainant. We also helped complainants understand how to let legislators know about their concerns with current state laws.

It is not expected that we will receive many complaints about the Clean Air Act issues until enforcement actions begin later in 1996.

REVIEW OF FEDERAL AND STATE/LOCAL REGULATIONS

We continued our review of the regulations concerning property tax exemptions of equipment purchased for abating or eliminating pollution.

The ombudsman routinely reviewed proposed rules and rule modifications by the Department of Natural Resources.

Additionally, federal regulations and notice of proposed regulations were received from the EPA Small Business Ombudsman and reviewed.

MEETINGS, CONFERENCES & SEMINARS

- | | |
|-----------------------|--|
| July 11, 1995 | Meeting with Red Oak and Shenendoah Chambers at Red Oak. Eight business men and women were in attendance. |
| July 19, 1995 | Meeting with representatives of the Department of Economic Development and advised them how they could institute an informal complaint resolution mechanism for small businesses. |
| July 20, 1995 | Meeting with Norwalk Chamber of Commerce. Twenty-five were in attendance. |
| August 10 to 20, 1995 | The assistant ombudsman for environmental affairs, and the student intern staffed a booth at the Iowa State Fair along with the other members of the Citizens' Aide/Ombudsman Office. Educational information about the small business program and the ombudsman office in general was provided to approximately 25,000 persons. |
| August 14, 1995 | The assistant for environmental affairs and the deputy ombudsman met with staff at the Iowa Waste Reduction Center and DNR to ensure coordination of efforts and communication between programs. |
| August 30, 1995 | The deputy met with representatives of DNR and the IWRC in Marshalltown to discuss ways to improve the permit application process. |
| September 5, 1995 | Meeting with staff from the IWRC and DNR to again review the application process. |

- September 21, 1995 Meeting with the Keokuk Rotary and Main Street organizations. Attendance was about 60.
- September 26, 1995 Meeting with the Region 7 EPA staff at our office. We received an overview of their agricultural assistance program and staffing changes that are occurring at their office.
- September 26, 1995 Meeting with members of the Belle Plaine Chamber of Commerce. Attendance was 3.
- Weekly US Small Business Administration contacts and business and industry associations are continuing to be identified. Of particular importance are the chambers of commerce, local development commissions and the *Main Street* programs. The ombudsman continues to develop and expand a comprehensive database of this information.
- Weekly Eight new contacts were made with chambers of commerce, development commissions, and/or Main Street program associations. They were informed about the Ombudsman's Office. These organizations were also made aware of the resources available through the Iowa Air Emissions Assistance Program, Iowa Department of Economic Development, and the Iowa Division of Labor.

DISSEMINATION OF INFORMATION

Brochures explaining the Citizens' Aide/Ombudsman's Office and the *Small Business Ombudsman* were attached to the last quarterly report. They continue to be distributed through educational seminars, direct mailings, chambers of commerce and other avenues. Information about the small business ombudsman program was disseminated at the Iowa State Fair in August.

Brochures, guidance documents, and pamphlets are solicited and received from Iowa Air Emission Assistance Program (IAEAP), Department of Natural Resources (DNR), Federal Small Business Administration (SBA), other state ombudsman offices, and the US Environmental Protection Agency (EPA). This information is reviewed for incorporation into future publications of the ombudsman office.

Seminars are coordinated by the ombudsman where a packet of information is provided to attendees about services provided by the Citizens' Aide/Ombudsman's Office, Iowa Division of Labor and the Iowa Air Emissions Assistance Program. This "Tool Box" of information includes:

- Identification of the various offices important to regulated small businesses,
- How to contact the various offices,
- A listing of publications and videotapes available to the public,

- Forms to request confidential services and inspections by Iowa Division of Labor, office of Occupational Safety And Health Administration (OSHA).

The "Tool Box" concept will be expanded to include additional appropriate information such as permit contacts.

Three newspaper articles appeared in local papers discussing the seminars. The communities were Shenendoah, Red Oak and Norwalk.

The ombudsman responded to questionnaires from other states and EPA. These inquiries included program information, the office's authority, and investigative procedures. We have also supplied information on the need of financial assistance by small businesses for environmental compliance.

CLEAN AIR IMPACT REVIEW

A preliminary survey of financial institutions performed last quarter continues to be expanded with information from additional small businesses and financial institutions. A more complete review is anticipated to be performed later this year.

IV. ISSUES OF CONCERN

Several issues were brought to the attention of the ombudsman by spokespersons for chambers of commerce, development commissions, financial institutions and small businesses. These were mentioned in the last quarterly report but the issues have not changed. They are re-capped here for reference.

1. *Mistrust of Governmental Regulation.* A common attitude found among small business owners and their spokespersons is a distrust about governmental regulation and the motives of government in pollution abatement. This belief contributes to an unwillingness on the part of small businesses to seek information about their pollution abatement responsibilities and to participate in voluntary compliance, permitting and technical assistance programs.
2. *Financing of Environmental Compliance.* Often the small business owner must purchase new equipment or incur other capital expenditures to come into compliance with the provisions of the Clean Air Act. Unfortunately there is not a readily identifiable financing or loan mechanism available to assist the small business owners in financing their efforts to come into compliance. And there is an unfavorable tax situation as well because the new equipment itself has taxing consequences.
3. *Environmental Loans to Small Business.* There is an apparent reluctance on the part of financial institutions to finance required environmental purchases for small businesses.
4. *Understandability of Forms.* It is estimated that eighty-five percent of all construction permit applications received by DNR are returned to the applicant for additional information. If forms and permit applications are easily understood by those who have to fill them out logically there is a significantly higher probability that the forms will be accurately completed and be able to be processed by DNR staff without having to return them to the applicant for supplemental information.

**CITIZENS' AIDE/OMBUDSMAN
Proposed Allocation
FY 1997**

Expenditure Category	FY-1995 Actual	FY-1996 Allocation	FY-1997 Request
Personal Services	\$594,095	\$624,972	\$685,459
Travel	12,661	16,916	13,002
Office Supplies	22,861	20,530	*17,156
Printing	4,969	2,200	*6,200
Communications	20,302	23,400	21,600
Rental	480	1,000	500
Professional Services	593	5,100	4,700
Outside Services	20	1,000	1,000
Advertising	529	750	750
Office Equipment	10,444	7,100	10,100
Remodeling	-	18,000	17,000
Totals	\$666,954	\$720,968	\$777,467
FTE	12.0	12.0	12.0

*Changes reflect transfers between categories to better comply with state accounting codes.

**CITIZENS' AIDE/OMBUDSMAN
FY 1997 Proposed Allocation Breakdown**

ITEM	DOLLARS	ASSUMPTIONS
Personal Services	\$685,459	Base salary, benefits and COLA Merit by salary review date Promotions approved No vacancies on TO
Travel	13,002	Maintains institutional visits and contingency for site investigations, outreach, training and conferences. Decrease in out-of-state travel
Office Supplies	*17,156	Postage, subscriptions, resource books, photocopying, outreach materials, and other items to run the office
Printing	*6,200	Publication of annual, critical and special reports; printing of brochures and other office outreach material
Communications	21,600	Maintains current level of operation
Rental	500	Contingency for field investigations and outreach
Professional Services	4,700	Contingency for legal transcriptions, outside professional consultations, and language translations
Outside Services	1,000	Contingency for maintaining current level of operation
Advertising	750	Contingency if staff vacancies occur
Office Equipment	10,100	Maintains current level of operation, office furniture, and scheduled equipment upgrades and replacements
Other (Remodeling)	17,000	Estimate to partially remodel space to add a suitable conference room and office space

*Changes reflect transfers between categories to better comply with state accounting codes.

97bud3/green

11/15/95

IOWA DEPARTMENT OF NATURAL RESOURCES

AGREEMENT NUMBER 96-7230-04

with

OFFICE OF CITIZENS' AIDE/OMBUDSMAN FOR THE STATE OF IOWA

Agreement Title: Small Business Ombudsman Program Pursuant to Section 507 of the Clean Air Act Amendments of 1990

Agreement Amount: \$55,875

Time of Performance: October 1, 1995 through June 30, 1996

Submit Original Invoice and two copies to:

Mark Slatterly
Department of Natural Resources
Wallace State Office Building
Des Moines, IA 50319-0034
ATTN: Budget and Grants Bureau

Issue Payment to:

Office of Citizens' Aide/Ombudsman for the State of Iowa
Capitol Complex
215 East 7th Street
Des Moines, Iowa 50319-0231

The Office of Citizens' Aide/Ombudsman agrees to deliver all supplies and perform all services set forth in the attached Special Conditions for the consideration stated herein. The rights and obligations of the parties to this agreement shall be subject to and governed by the Special Conditions and General Conditions. To the extent of any inconsistency between the Special Conditions or the General Conditions and any specifications or other conditions which are made a part of this agreement, by reference or otherwise, the Special Conditions and General Conditions shall control. To the extent of any inconsistency between the Special Conditions and the General Conditions, the Special Conditions shall control. This agreement contains nine articles.

IN WITNESS THEREOF, the parties hereto have executed this agreement on the day and year last specified below.

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

DEPARTMENT OF NATURAL RESOURCES

By: [Signature]
William Angrick II,
Citizens' Aide/Ombudsman

By: [Signature] (for)
Larry J. Wilson, Director

Date: Nov 8, 1995

Date: 11-21-95

This agreement was approved, as required by Subsection 455B.105(7) of the Code of Iowa, by the Environmental Protection Commission on November 20, 1995.

SPECIAL CONDITIONS

ARTICLE I - IDENTIFICATION OF PARTIES

This agreement is entered into by and between the Iowa Department of Natural Resources (hereinafter referred to as Department or DNR) and the Office of Citizens' Aide/Ombudsman (hereinafter referred to as CA/O).

ARTICLE II - STATEMENT OF PURPOSE

This agreement is entered into for the purpose of funding an ombudsman for small business stationary sources pursuant to Section 507 of the Clean Air Act Amendments of 1990 (hereinafter CAAAs). This will be one component of the state small business stationary source technical and environmental compliance assistance program for Iowa.

ARTICLE III - STATEMENT OF WORK

3.1 During the period beginning October 1, 1995, and ending June 30, 1996, CA/O shall carry out the activities identified in the Work Plan for October 1, 1995 through June 30, 1996, (Appendix A), in accordance with the project schedule given in the workplan and in Articles 3.2 through 3.4.

3.2 The CA/O shall submit to DNR written reports describing the work activities for the months preceeding each report, according to the schedule set forth in Article IV. Reports shall include, but not be limited to:

- a. Progress toward each activity described in the work plan, including numbers of complaints received and specific training completed by the Ombudsman during the reporting period and specific plans for training to be completed during the next reporting period;
- b. Any problems encountered in achieving the activities described in the work plan;
- c. Any proposed revisions to the work plan or time frames, and justification for DNR to consider the proposed revisions.

3.3 Quarterly meetings shall be held with UNI, DNR, and CA/O to discuss progress toward development of the comprehensive small business assistance program. Representatives of each agency shall be present.

3.4 On or before February 15, 1996, CA/O shall submit to DNR an itemized budget and a draft work plan proposed for the period of July 1, 1996 through June 30, 1997. The budget shall include written justification for the items proposed.

3.5 On or before May 15, 1996, CA/O shall submit to DNR a final proposed work plan for the period of July 1, 1996 through June 30, 1997. The work plan shall describe and prioritize activities to be carried out by the CA/O during that time period and shall include a schedule for those activities.

ARTICLE IV - REPORTS AND PRODUCTS

Reports due to DNR on or before:

October 15, 1995
December 15, 1995
March 15, 1995
June 15, 1995

ARTICLE V - DESIGNATION OF OFFICIALS

5.1 Department - The Director of the Department shall be the official authorized to execute any changes in terms, conditions, or amounts specified in this agreement. Allan Stokes, Division Administrator, and Peter Hamlin, Chief of the Air Quality and Solid Waste Protection Bureau, are designated by the Director to negotiate, on behalf of the Department, and subject to the approval of the Director, any changes to this agreement.

5.2 CA/O - William P. Angrick II, Citizens' Aide/Ombudsman, is the official authorized to execute any changes in terms, conditions, or amounts specified in this agreement. The following individuals are designated as Key Personnel subject to section 11.3 of the General Conditions: Duncan Fowler, and Ruth H. Cooperrider.

5.3 The above-named officials shall represent their respective agencies in all matters necessary to the successful completion of this agreement.

ARTICLE VI - TIME OF PERFORMANCE

This agreement shall be effective on the date signed. Performance by CA/O shall commence October 1, 1995. The performance required herein shall be completed by June 30, 1996.

ARTICLE VII - ADDITIONAL SPECIAL CONDITIONS

7.1 CA/O shall place the following statement on the cover page of all nonfinancial reports prepared pursuant to this agreement. This statement shall not be necessary on any quarterly or annual status reports submitted to DNR as required by this agreement, provided such reports are not also being used as part of a public information program.

"The publication of this document has been funded in part by the Iowa Department of Natural Resources."

7.2 All information generated by the terms and conditions of this agreement shall become the property of the State of Iowa.

7.3 CA/O shall submit to DNR an original unbound copy of each nonfinancial document or report prepared under this agreement by the deadlines specified in Article IV.

7.4 Within 15 days of receipt by DNR, DNR shall review each nonfinancial document or report submitted to DNR by CA/O. DNR shall provide comments based on its review. DNR's comments shall be

considered by CA/O. Failure of DNR to provide comments within the allotted time constitutes approval by DNR.

7.5 Pursuant to Iowa Code section 2C.8, records maintained in the performance of the duties by CA/O are deemed confidential and will not be disclosed, except for releases which are in accordance with the administrative rules of the CA/O (141 I.A.C. 3).

ARTICLE VIII - CONDITIONS OF PAYMENT

8.1 This agreement is entered into on a fixed price basis. CA/O shall be paid for satisfactory completion of work outlined in Article III, according to the schedule stated in Article IX. This contract is not subject to Section 5.0 of the General Conditions.

8.2 For each payment due under this agreement, CA/O shall submit an original and two (2) copies of its invoice. No claim shall be allowed by the Department of Revenue and Finance when such claim is presented after the lapse of three months from its accrual. (Section 421.38, Code of Iowa, special provisions of law excepting)

8.3 DNR shall not process payment for items of work or service which, in the determination of DNR, do not meet the specification of Article III of the Special Conditions. If the item of work or service is resubmitted by a date agreed to by DNR and CA/O through an amendment to this agreement and is determined by the Director to be satisfactorily completed according to the specifications of Article III of the Special Conditions, payment shall be processed.

8.4 DNR may terminate this agreement for cause within the meaning of Section 7.1 of the General Conditions if CA/O submits any item of work or service more than ten (10) working days after the due date.

ARTICLE IX - AGREEMENT PAYMENT SCHEDULE

<u>Date</u>	<u>Payment Amount Due</u>
November 22, 1995	\$18,625
December 30, 1995	\$18,625
March 31, 1995	\$18,625

GENERAL CONDITIONS

Section 1.0 Entire Agreement

This agreement constitutes the entire agreement between the Department of Natural Resources (Department) and the Contractor with respect to the subject matter hereof, and the Contractor acknowledges that it is entering into the contract solely on the basis of the terms and conditions herein contained and not in reliance upon any representation, statement, inducement or promise, whether oral or written, not contained herein.

Section 2.0 Amendment

In order to be valid any amendment of this contract, or change in the conditions or terms of this contract, must be in writing and signed by the officials designated in Article V of the Special Conditions.

Section 3.0 Availability of Funds

If funds anticipated for the continued fulfillment of this contract are at any time not forthcoming or insufficient, either through the failure of the Federal Government or of the State of Iowa to appropriate funds, or discontinuance or material alteration of the program under which funds were provided, then the Department shall have the right to terminate this contract without penalty in accordance with Section 7.1 of the General Conditions by giving not less than thirty (30) days written notice documenting the lack of funding.

Section 4.0 Records and Audit

4.1 The Contractor agrees to maintain books, documents and other records pertaining to all costs and expenses incurred and revenues acquired during this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 31 in effect on the date of execution of this contract.

4.2 The Contractor shall also maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 31.36(f) for this contract.

4.3 The Director of the Department or any duly authorized audit representative thereof shall have access to, for the purpose of audit and examination, any books, documents, papers and records of the Contractor which are pertinent at all reasonable times during the period of retention provided for in subsections 4.4, 4.5, and 4.6 below and shall have the right to make copies or to excerpt or make other transcriptions thereof. Access to records is not limited to the required retention periods. Department or its representatives shall have access to records at any reasonable time for as long as the records are maintained.

4.4 All records in the possession of the Contractor pertaining to this contract shall be retained by the Contractor for a period of three (3) years beginning with the date upon which the final payment under this contract is issued. Records for non-expendable property acquired under this contract shall be retained for a three (3) year period after the final disposition of the property.

4.5 Records relating to any litigation or claim arising out of the performance of this contract, or costs or expenses of this contract to which exception has been taken as a result of inspection or audit shall be retained by the Contractor until such litigation, claim, or exception has been finally settled or until the three-year period has expired, whichever occurs later.

4.6 The Contractor, in maintaining project expenditure accounts, records and reports, shall make any necessary adjustments resulting from any administrative reviews and audits by the United States Government or by the state of Iowa or by the Contractor.

4.7 The Contractor shall insure that an independent audit is conducted on this contract. The audit shall be in accordance with generally accepted standards and with established procedures and guidelines of the Auditor of the state of Iowa.

4.8 The Contractor will provide a copy of the audit performed under subsection 4.7 to the Department within one year of project completion.

Section 5.0 Allowable Costs

5.1 Allowable costs are specified under the approved budget presented in the Special Conditions of this contract. Allowable costs in contracts with public or non-public agencies are subject to the cost principles defined in Office of Management and Budget Circular A-87 as amended.

5.2 Indirect costs shall be allowable at a predetermined rate specified in the approved budget presented in the Special Conditions of this contract. Indirect cost rates, if applicable, for public and/or non-profit agencies shall be determined according to the principles defined in the Office of Management and Budget Circular A-87, as amended.

Section 6.0 Unallowable Costs

6.1 The following costs are unallowable for profit making companies under under this contract.

- a. Legal expenses for the prosecution of claims against the Department, the state of Iowa, the Federal Government or any subdivision thereof are unallowable.
- b. The difference in cost between first-class air accommodations and less-than-first-class air accommodations, unless less-than-first-class air accommodations are not reasonably available, are unallowable.
- c. Costs incurred prior to the effective date of the contract are unallowable.
- d. Costs of preparing proposals for potential contracts are unallowable.
- e. Bad Debts. Any losses arising from uncollectable accounts and other claims, and related costs, are unallowable.
- f. Contingencies. Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable
- g. Contributions and donations. Unallowable.
- h. Entertainment. Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are not allowable.
- i. Fines and penalties. Costs resulting from violations of, or failure to comply with Federal, State and local laws and regulations are unallowable.
- j. Interest and other financial costs. Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

Section 7.0 Termination of Contract

7.1 Termination for cause. The Department may terminate this contract in whole or in part, at any time before the date of completion, whenever it is determined that the Contractor has failed to comply with the conditions of the contract or if funds totaling the amount specified in Article XI of the Agreement are not available to the Department. Before any termination, the Director shall provide the Contractor an opportunity for consultation. The Department shall notify the Contractor in writing of any termination. The notice shall state the reasons for the termination. The Contractor must stop work immediately upon notification of termination. The Department will not provide any reimbursement for new commitments after the notice of termination. Payments made to the

Contractor or recoveries by the Department under contracts terminated for cause shall be in accordance with the legal rights and liabilities of the parties.

7.2 Termination for convenience. The Department or the Contractor may terminate the contract in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the future expenditure of the funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial obligations, for the termination portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Contractor for the Department's share of the noncancellable obligations, properly incurred by the Contractor prior to termination. The termination agreement must be in writing and signed by the officials designated in Article V of the Special Conditions.

7.3 Rights in incomplete products. In the event the contract is terminated, all finished or unfinished documents, data, reports, or other materials prepared by the Contractor under this contract shall, at the option of the Department, become the Department's property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other material.

Section 8.0 Equal Employment Opportunity

8.1 The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, religion, sex, national origin, age, or mental or physical disability. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated, during employment, without regard to their race, creed, color, religion, sex, national origin, age or mental or physical disability except where mental or physical disability relates to a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor's business. Such action shall include but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The Contractor agrees to post notices, setting forth provisions of this nondiscrimination clause, in conspicuous places available to employees and applicants for employment.

8.2 The Contractor will in all solicitations or advertisements for employees, placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, religion, sex, national origin, age, or mental or physical disability except where mental or physical disability is a bona fide occupation qualification reasonably necessary to the normal operation of the Contractor's business.

8.3 The Contractor will comply with all relevant provisions of the Iowa Civil Rights Act of 1965, as amended, Iowa Executive Order 15 or 1973, Chapter 19B, Code of Iowa, Federal Executive Order 11246 of 1965, as amended by Federal Executive Order 11376 of 1967 and Title VI of the Civil Rights Act of 1964, as amended. The Contractor will furnish all information and reports requested by the state of Iowa or required by, or pursuant to, the rules and regulations thereof and will permit access to payroll and employment records by the state of Iowa for purposes of investigation to ascertain compliance with such rules, regulations or requests, or with this nondiscrimination clause.

8.4 In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the aforesaid rules, regulations or requests, this contract may be canceled, terminated or suspended in whole or in part. In addition, the state of Iowa may take such further action, and such other sanctions may be imposed and remedies invoked, as provided by the Iowa Civil Rights Act of 1965, as amended, Chapter 601A, Code of Iowa, or as otherwise provided by law.

8.5 The Contractor will include the provisions of paragraphs 8.1 through 8.4 hereof in every subcontract, unless specifically exempted by approval of the state of Iowa, so that such provisions will be binding on each subcontract. The Contractor will take such action with respect to any subcontract as the state of Iowa may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such

direction by the state of Iowa, the Contractor may request the state of Iowa to enter into such litigation to protect the interests of the state of Iowa.

Section 9.0 Interest of the Contractor and Others

The Contractor covenants that he/she presently has no interest and shall not acquire any interest, direct and indirect, which would conflict in any manner or degree with the performance of services required under this contract. The Contractor further covenants that in the performance of this contract no person having any such interest shall be employed.

Section 10.0 Assignment of Interest

Neither the contract or any interest therein nor claim thereunder shall be assigned or transferred by the Contractor to any other party or parties. Attempted assignment may be considered, at the option of the Department, to be a substantial breach and cause for termination within the meaning of subsection 7.1 of the General Conditions.

Section 11.0 Personnel

11.1 Selection. The Contractor represents that he/she has, or will secure all personnel required in performing the work and services under this contract. Such personnel shall not be employees of or have any contractual relationship with the Department.

11.2 Qualification. All of the work and services required hereunder will be performed by the Contractor or under the Contractor's supervision and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services.

11.3 Change of Key Personnel. Any individual specified by name in Article V of the Special Conditions herein is considered essential to the work and services to be performed. If for any reason substitution for a specified individual becomes necessary, the Contractor shall provide immediate written notification of such to the Department. The Contractor shall provide the name and resume of qualification for the replacement individual. Any replacement shall be subject to the approval of the Department.

Section 12.0 Subcontracts.

None of the work or services required under this contract shall be subcontracted by the Contractor without the prior written approval to subcontract by the Department and the prior written approval of the subcontract itself by the Department. Attempted subcontracting may be considered, at the option of the Department, to be substantial breach and cause for termination within the meaning of Section 7.1 of the General Conditions. Any subcontract exceeding \$25,000 approved by the Department and entered into by the Contractor shall contain at a minimum, the General Conditions of this contract.

Section 13.0 Effect of Invalidity

If any of the provisions herein shall be in conflict with the laws of the state of Iowa, and shall be declared to be invalid by any court of record in this state, such validity declaration shall be construed to affect only such portions as are declared invalid or in conflict with the law and such remaining portion or portions of the contract shall remain in effect and shall be construed as if such invalid or conflicting portion of the contract were not contained herein.

Section 14.0 Indemnification

14.1 The Contractor agrees to jointly and severally indemnify and hold the Department, the state, its successors and assignees harmless from and against all liability, loss, damage or expense including reasonable attorney's fees which the Department may incur or sustain by reason of the failure of the Contractor to fully perform and comply with the terms and obligations of this contract.

14.2 The Contractor shall indemnify and hold the Department, the state, its successors and assignees harmless from all liability, loss, damage, or expense including reasonable attorney's fees resulting from any suits, claims or actions brought for or on account of any injuries the Contractor or any persons working for the Contractor may incur while carrying out the terms of this Agreement.

Section 15.0 Patents

15.1 If the Contractor or any or all of its employees or agents invents or discovers any new useful process, machine, manufacture or composition of material, or any new and useful improvement thereof, as a result of work performed under this contract, the Contractor shall immediately provide written notice of the discovery to the Director. The Contractor shall evaluate each such discovery and if in the judgment of the Contractor the attendant circumstances warrant filing a patent application, the Contractor shall comply with 40 CFR 1101. If the Contractor has not filed an application within six months of notice to the Director of the discovery, the Department may apply for a patent for the discovery on the behalf of the state of Iowa.

15.2 The Contractor shall notify the Department in writing of the issuance of a patent to the Contractor or the Contractor's employees or agents for any discovery resulting from work performed as a result of this contract. The state of Iowa, its political subdivisions, its Departments and its divisions shall be entitled to an irrevocable royalty-free license for governmental purposes under any patent held by the Contractor or the Contractor's employees or agents and originating from work performed under this contract.

Section 16.0 Copyrights and Use of Data

16.1 The term "subject data" used in this clause includes writing, technical reports, sound recordings, magnetic recordings, computer programs, computerized databases, databases in hard copy, pictorial reproductions, plans, drawings, including engineering or manufacturing drawings, specifications, or other graphical representations, and works of any similar specifications, or other graphical representations, and works of any similar nature (whether or not copyrighted) which the Contractor submits or which the Department specifies to be delivered under this agreement or which the Contractor develops or produces and the Department pays for under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

16.2 Except as may otherwise be provided in this contract, when publications, films, or similar materials are developed directly or indirectly from a project supported by the Department, the Contractor is free to arrange for copyright without approval. The Contractor agrees to and does hereby grant to the Department, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world for Department purposes to publish, translate, reproduce, deliver, perform, dispose of and to authorize others so to do, all subject data, or copyrightable material based on such data, covered by copyright now or in the future.

16.3 The Contractor shall not include in the subject data any copyrighted matter without the written approval of the Director, unless the Contractor provides the Department with the written permission of the copyrighted owner for the Department to use the copyrighted matter in the manner provided for in subsection 16.2 above.

16.4 Nothing contained herein shall imply a license to the Department under any patent or be construed as affecting the scope of any license or other rights otherwise granted to the Department under any patent.

16.5 Unless otherwise limited below, the Department may, without additional compensation to the Contractor, duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all subject data.

16.6 Notwithstanding any provisions of this contract concerning inspection and acceptance, the Department shall have the right at any time to modify, remove, obliterate, or ignore any marking restricting disclosure of subject data if the marking is not authorized by the terms of this contract.

16.7 Data need not be furnished for standard commercial items or services which are normally sold, or have been sold, or offered to the public commercially by any supplier and which are incorporated as component parts in or to be used with the product or process being developed or investigated under this contract if, in lieu thereof, identification of source and characteristics (including performance specifications, when necessary) sufficient to enable the Department to procure the part or practice the process, or acquire an adequate substitute, are furnished.

16.8 In addition to any data specified elsewhere in this contract to be furnished to the Department, the recipient shall retain and, upon written request of the Director at any time during project performance or within two years after project performance is completed, deliver any subject data not previously delivered.

16.9 The Contractor shall exert all reasonable effort to advise the Director of the Department, at the time of delivery of the subject data furnished under this contract, of all invasions of the right-of-privacy contained therein and of all portions of such data copied from work not composed or produced in the performance of this contract and not licensed under this section.

16.10 The Contractor shall report to the Director of the Department, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the Contractor with respect to all subject data delivered under this contract. On receipt of this information, the parties hereto agree to confer to determine future uses to be made of the subject data.

16.11 The Contractor or any or all of its employees or agents may duplicate, use and disclose all subject data deliverable under this contract, provided that the Contractor or such employees or agents acknowledge the contribution of the Department and the contract number of this contract and any copyright secured for such data; provided further that there shall be no pre-release or publication of data or findings connected with this in scholarly or professional journals or through public presentation or news release or otherwise until the performance of this contract is completed, unless prior written authorization has been obtained from the Department's Director.

Section 17.0 Notice and Assistance Regarding Patent and Copyright Infringement

17.1 The Contractor agrees to report to the Department's Director promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this grant of which the Contractor has knowledge.

17.2 In the event of any claim or suit against the Department, the state of Iowa, or the United States, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor agrees to furnish to the Department, when requested by the Director, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Department except where the Contractor has agreed to indemnify the Department.

Section 18.0 Title to Equipment and Property Inventory

Any nonconsumable equipment which is tangible personal property, which has a purchase price of \$500 or more, and a useful life of two or more years and which is purchased with funds from the contract budget shall be the property of the Department. The cost of any such equipment purchased within a billing period or within the course of production of any deliverable item for which billing is made under Article VIII of the Special Conditions shall be itemized on the voucher required by Article VIII. Upon receipt of a voucher which itemizes such equipment,

the Department will provide State of Iowa Property Tags to the Contractor. The Contractor will attach a Property Tag to any such equipment and inform the Department of the price of the equipment, the make or manufacturer, serial number, and model year or number of the equipment to which each Property Tag is attached.

Section 19.0 Privity of Contract

This contract is expected to be funded in part with funds from the U.S. Environmental Protection Agency. Neither the United States nor any of its Departments, agencies or employees is, or will be, a party to this contract or any subcontract. This contract is subject to regulations contained in 40 CFR Part 31 in effect on the date of the initial payment under this contract.

Section 20.0 Remedies

Unless otherwise provided in this contract all claims, counter-claims, disputes and other matters in question between the Department and the Contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the state of Iowa. All claims, counter-claims, disputes or other matters will be determined by the laws of the state of Iowa unless federal law or regulations govern.

Section 21.0 Cost Price Data

The Contractor, where appropriate, assures that the cost and pricing data submitted for evaluation with respect to negotiation of prices for this contract is based on current, accurate and complete data supported by their books and records. If the Department determines that any price (including profit) negotiated in connection with this contract or amendment thereunder was increased by any significant sums because the data provided was incomplete, inaccurate or not current at the time of submission, then such price or cost or profit shall be reduced accordingly and the Contractor shall suggest language to modify the contract in writing to reflect such action. Failure to agree on a reduction shall be subject to the remedies clause (Section 20.0) of this contract.

Section 22.0 Gratuities

22.1 If the Department finds after a notice and hearing that the Contractor or any of the Contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of the Department, the state or Federal government in an attempt to secure a contract or favorable treatment in awarding, amending or making any determinations related to the performance of this contract, the Department may, by written notice to the Contractor, terminate this contract. The Department may also pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the Department bases such findings shall be in issue and may be reviewed in proceedings under the Remedies clause (Section 20.0) of this contract.

22.2 In the event this contract is terminated as provided in subsection 22.1, the Department may pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and as a penalty, in addition to any other damages to which it may be entitled by the law, be entitled to exemplary damages in an amount (as determined by the Department) which shall be not less than three nor more than ten times the cost the Contractor incurs in providing any such gratuities to any such officer or employee

Section 23.0 Responsibility of the Contract

23.1 The Contractor is responsible for the professional quality, technical accuracy, timely completion and coordination of all designs, drawings, specifications, reports and other services furnished by the Contractor under this contract. If the contract involves environmental measurements or data generation, the Contractor shall comply with EPA quality assurance requirements contained in 40 CFR 31.45. The Contractor shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in his designs, drawings, specifications, reports and other services.

23.2 The Contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

23.3 The Department's or EPA's approval of drawings, designs, specifications, reports and incidental work or materials furnished hereunder shall not in any way relieve the Contractor of responsibility for the technical adequacy of this work. Neither the Department's nor EPA's review, approval, acceptance or payment for any of the services shall be construed as waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

23.4 The Contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the Department or EPA caused by the Contractor's negligent performance of any of the services furnished under this contract, except for errors omissions or other deficiencies to the extent attributable to Department-furnished data and any third part. The Contractor shall not be responsible for any time delays in the project caused by circumstances beyond the Contractor's control.

23.5 The Contractor's obligation under this clause are in addition to the Contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that the Department may have against the Contractor for faulty materials, equipment or work.

Section 24.0 Final Payment

Before final payment or a termination settlement under this contract, the Contractor shall execute and deliver to the Department a release of all claims against the Department arising under, or by virtue of, this contract except claims which are specifically exempted by the Contractor. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to the contract, final payment under a settlement upon termination of this contract shall not constitute a waiver of the Department's claims against the Contractor, or the Contractor's sureties under this contract or applicable performance and payment bonds.

Section 25.0 Violating Facilities

The Contractor shall comply with all applicable standards, orders or requirements issued under Section 308 of the Clean Air Act (42 USC 1557(h), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and EPA regulations (40 CFR Part 15) which prohibit the use, under nonexempt Federal contracts, grants or loans in excess of \$100,000.00, of facilities included on the EPA List of Violating Facilities.

Section 26.0 Energy Efficiency

The Contractor shall comply with mandatory standards and policies on energy efficiency contained in the state's energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).

Section 27.0 Compliance with Laws

27.1 The Contractor agrees that over the duration of and as a condition of the Contractor's duty to perform under the terms of this contract, that it will be in compliance with all applicable laws and regulations of the state and Federal government, including, but not limited to Equal Employment Opportunity provisions, Occupational Health and Safety Act, records retention, audit requirements, allowable costs, and the requirements of 40 CFR.

27.2 The Contractor certifies that it is not on EPA's List of Violating Facilities as listed in 40 CFR Part 15 and that it has not been debarred, suspended, or otherwise excluded from receiving federal funds by any agency of the U.S. government.

Section 28.0 Covenant Against Contingent Fees

The Contractor assures that no person or selling agency has been employed or retained to solicit this contract upon agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this assurance, the Department shall have the right to annul this contract without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

Section 29.0 Changes

29.1 The Department may at any time, by written order make changes within the general scope of this contract in the services or work to be performed. If such changes cause an increase or decrease in the Contractor's cost or time required to perform any services under this contract, whether or not changed by any order, the Department shall make an equitable adjustment and modify this contract in writing. The Contractor must assert any claim for adjustment under this clause in writing within 30 days from the date it receives the Department's change, unless the Department grants additional time before the date of final payment.

29.2 No services for which the Contractor will charge an additional compensation shall be furnished without the written authorization of the Department.

Section 30.0 Debarment and Suspension

30.1 The Contractor hereby certifies that to the best of its knowledge and belief that it and its participants are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by the any federal Department or agency.

30.2 The Contractor acknowledges that doing business with any party appearing on the nonprocurement portion of the "List of Parties Excluded from Federal Programs" may result in disallowance of costs under this contract and may also result in suspension or debarment.

Section 31.0 Minority and Women's Business Utilization

The Contractor agrees to include the six affirmative steps in 40 CFR 31.36(e) in any solicitation documents for subcontracting supplies and services under this contract to assure that minority and women's businesses are used when possible. The Contractor will submit Standard Form 334 to the Department to report the utilization of such business.

**COMPUTER SUPPORT BUREAU
PERSONNEL REPORT**
November 29, 1995

<u>Employee Name</u>	<u>Position</u>	<u>Previous Gd/Step/Date</u>		<u>Current Gd/Step/Date</u>	
<u>Completion of Probationary Period</u>					
Joe Kroes	Computer Systems Engineer I				
<u>Merit Increase</u>					
Steve Nelson	Computer Operator II	24/4	11/94	24/5	11/95
Joe Kroes	Computer Systems Engineer I	29/1	5/95	29/2	11/95
<u>Resignation</u>					
Ed Damman	Division Administrator I	<u>Effective Date</u>			
		7/95			
<u>New Hire</u>					
John Rafdal	Computer Systems Analyst I	<u>Effective Date</u>		<u>Current Gd/Step/Date</u>	
		10/95		27/1	
<u>Promotions</u>					
	<u>Current Postion/Proposed Postion</u>	<u>Current Gd Step/Date to Proposed Gd Step/Date</u>		<u>Hired Date/Last Promotion</u>	
Kay Evans	Division Administrator I	35/6	11/94	6/85	
	Division Administrator II	38/5	11/95	11/93	
Virginia Rowen	Computer Systems Analyst I	27/6	12/94	12/93	
	Computer Systems Analyst II	29/5	12/95	--	

Memorandum

DATE: November 14, 1995

TO: Legislative Leaders and Members of the Service Committee

FROM: Sandy Scharf, Director - Legislative Computer Support Bureau

RE: Additional CSB staff for Senate and House

I am formally requesting 2 additional positions for the Legislative Computer Support Bureau starting January 1996. With the Senate adding 50 notebook PC's and the House experimenting with 10 notebook PC's this session and with the expectation that all Representatives will have notebook PC's by the start of the 1997 General Assembly, additional support staff is necessary to insure adequate PC support for the Legislators. The new staff positions will be full time in each chamber during session and will be the main Legislator contact during the interim. Additionally LCSB would like to expand into the area of PC programming and data base design and the new staff positions will be working in those areas during the interim. To accomplish this goal I would need the Service Committee and the Legislative Council to approve the additional 2 FTE's and appropriate \$38,500 for salaries and benefits in FY' 96. If you have any questions or comments, please contact me at 281-7843.

**Legislative Computer Support Bureau
Proposed Allocation
1996-97 Fiscal Year**

	<u>FY-95 ACTUAL</u>	<u>FY-96 ALLOCATION</u>	<u>FY-97 REQUEST</u>
Personal Services	560,487	631,758	770,812
Travel	11,227	20,000	20,000
Office Supplies	7,240	13,000	15,000
Communications	19,130	30,000	35,000
Rental	1,068	2,000	2,000
Office Equipment	9,500	10,000	20,000
Outside Maintenance, Repairs/Service	171,746	250,000	200,000
Data Processing, Hardware & Software	<u>758,824</u>	<u>657,341</u>	<u>680,368</u>
Expenditures	<u>1,539,222</u>	<u>1,614,099</u>	<u>1,743,180</u>
	FTE's	10.4	11.4
		14.4	

Legislative Computer Support Bureau (FY-97 Budget Request Breakdown:)

ITEM -----	DOLLARS -----	ASSUMPTIONS -----
Salaries	\$770,812	*2% COLA July 96 *Assumes merit increase in FY 1997 *All 14.4 FTE positions will be filled *Merit steps based upon salary review *No new positions. *Includes minimal amount for reallocations, promotions.
Travel	\$ 20,000	*maintain current level of training, seminars and conferences attended by staff
Office Supplies	\$ 15,000	*maintain current level of operation
Communications	\$ 35,000	*maintain current level of operation
Office Equipment	\$ 20,000	*maintain current level of operation
Rentals	\$ 2,000	*maintain current level of operation

Outside Maintenance, Repairs/Service \$200,000

Anticipated maintenance charges for computer equipment including laser printers and UPS	\$150,000
Anticipated maintenance increases	\$ 15,000
Anticipated mainframe & pc software support	\$ 25,000
Anticipated off hours maintenance	\$ 10,000

Data Processing Hardware and Software \$680,368

Anticipated Lease Purchase Payments	\$430,368
PC & Network Software upgrades and purchases, PC & network hardware upgrades and purchases.	\$250,000

**COMPUTER SUPPORT BUREAU
PERSONNEL REPORT**
November 29, 1995

<u>Employee Name</u>	<u>Position</u>	<u>Previous Gd/Step/Date</u>		<u>Current Gd/Step/Date</u>	
<u>Completion of Probationary Period</u>					
Joe Kroes	Computer Systems Engineer I				
<u>Merit Increase</u>					
Steve Nelson	Computer Operator II	24/4	11/94	24/5	11/95
Joe Kroes	Computer Systems Engineer I	29/1	5/95	29/2	11/95
<u>Resignation</u>					
Ed Damman	Division Administrator I	<u>Effective Date</u> 7/95			
<u>New Hire</u>					
John Rafdal	Computer Systems Analyst I	<u>Effective Date</u> 10/95		<u>Current Gd/Step/Date</u> 27/1	
<u>Promotions</u>					
	<u>Current Postion/Proposed Position</u>	<u>Current Gd Step/Date to Proposed Gd Step/Date</u>		<u>Hired Date/Last Promotion</u>	
Kay Evans	Division Administrator I	35/6	11/94	6/85	
	Division Administrator II	38/5	11/95	11/93	
Virginia Rowen	Computer Systems Analyst I	27/6	12/94	12/93	
	Computer Systems Analyst II	29/5	12/95	--	



DENNIS C. PROUTY
DIRECTOR
515/281-5279
FAX 281-8451

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

Memorandum

TO: Service Committee of the Legislative Council
FROM: Dennis C. Prouty, Director *Dcp*
RE: FY 1997 Budget
DATE: November 16, 1995

Attached is the Legislative Fiscal Bureau's FY 1997 Budget Request.

**LEGISLATIVE FISCAL BUREAU
PROPOSED ALLOCATION
FY 1997**

	<u><i>FY 1995 ACTUAL</i></u>	<u><i>FY 1996 ALLOCATION</i></u>	<u><i>FY 1997 REQUEST</i></u>
Personal Services	\$ 1,399,948	\$ 1,579,000	\$ 1,690,000
Travel	32,698	25,000	30,000
Office Supplies	51,969	60,000	60,000
Communications	17,439	25,000	25,000
Rental	3	10,000	10,000
Office Equipment	69,551	40,000	40,000
Outside Services	12,499	10,000	10,000
Outside Repairs	<u>1,806</u>	<u>15,000</u>	<u>10,000</u>
TOTAL	<u>\$ 1,585,913</u>	<u>\$ 1,764,000</u>	<u>\$ 1,875,000</u>
Funded FTE's	26.5	27.0	27.5

FY 1997 Proposed Allocation Breakdown

ITEM	DOLLARS	ASSUMPTIONS
Salaries	\$ 1,690,000	<i>Salary annualization. 2.0% COLA adjustment. 5% merit step based on salary review date. 27.5 FTE positions. Includes funding for promotions.</i>
Travel	30,000	<i>Reflects the current level of training, conferences, seminars, and meetings attended by LFB staff, and travel associated with the Fiscal Committee.</i>
Office Supplies	60,000	<i>Maintains the current level of operation.</i>
Communications	25,000	<i>Maintains the current level of operation.</i>
Rental	10,000	<i>Maintains the current level of operation.</i>
Office Equipment	40,000	<i>Maintains the current level of operation.</i>
Outside Services	10,000	<i>Maintains current level of operation.</i>
Outside Repairs	10,000	<i>Maintains current level of operation.</i>
TOTAL	<u>\$ 1,875,000</u>	

**CITIZENS' AIDE/OMBUDSMAN
Proposed Allocation
FY 1997**

Expenditure Category	FY-1995 Actual	FY-1996 Allocation	FY-1997 Request
Personal Services	\$594,095	\$624,972	\$685,459
Travel	12,661	16,916	13,002
Office Supplies	22,861	20,530	*17,156
Printing	4,969	2,200	*6,200
Communications	20,302	23,400	21,600
Rental	480	1,000	500
Professional Services	593	5,100	4,700
Outside Services	20	1,000	1,000
Advertising	529	750	750
Office Equipment	10,444	7,100	10,100
Remodeling	-	18,000	17,000
Totals	\$666,954	\$720,968	\$777,467
FTE	12.0	12.0	12.0

*Changes reflect transfers between categories to better comply with state accounting codes.

**CITIZENS' AIDE/OMBUDSMAN
FY 1997 Proposed Allocation Breakdown**

ITEM	DOLLARS	ASSUMPTIONS
Personal Services	\$685,459	Base salary, benefits and COLA Merit by salary review date Promotions approved No vacancies on TO
Travel	13,002	Maintains institutional visits and contingency for site investigations, outreach, training and conferences. Decrease in out-of-state travel
Office Supplies	*17,156	Postage, subscriptions, resource books, photocopying, outreach materials, and other items to run the office
Printing	*6,200	Publication of annual, critical and special reports; printing of brochures and other office outreach material
Communications	21,600	Maintains current level of operation
Rental	500	Contingency for field investigations and outreach
Professional Services	4,700	Contingency for legal transcriptions, outside professional consultations, and language translations
Outside Services	1,000	Contingency for maintaining current level of operation
Advertising	750	Contingency if staff vacancies occur
Office Equipment	10,100	Maintains current level of operation, office furniture, and scheduled equipment upgrades and replacements
Other (Remodeling)	17,000	Estimate to partially remodel space to add a suitable conference room and office space

*Changes reflect transfers between categories to better comply with state accounting codes.

97bud3/green

11/15/95



DENNIS C. PROUTY
DIRECTOR
515/281-5279
FAX 281-8451

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU
Memorandum

TO: Members of the Service Committee

FROM: Dennis Prouty *DProuty*

DATE: November 16, 1995

RE: Request for One F.T.E. Position

I am requesting the addition of one position within the computer system analyst series to the Table of Organization for the Legislative Fiscal Bureau (LFB) starting in January 1996. The Legislative Council approved the development of a salary projection model to calculate the cost of salary increases for all State employees. The model is nearing completion and will offer the following enhancements:

- Ability to apply funding source and cost by individual State employee.
- Ability to project salary increase costs for the Board of Regents professional/scientific staff and faculty.
- Ability to do overall analysis of staffing patterns including seasonal employees.
- Ability to perform accurate legislative oversight.

Once the model is complete, we will need to update, maintain, and calculate new and different parameters for the database. I anticipate that the new position will be utilized one-half time for the salary model.

The LFB is also planning on providing legislators electronic access to the various databases maintained by the LFB. The LFB currently maintains all budget records, all central state accounting records and all central state payroll records. In the past year, the LFB has added the Regents accounting and payroll records to the databases. Our current backlog of programming to provide full access to this information is over one year. It is anticipated that the new position could contribute one-half time to the current programming needs.

**LEGISLATIVE SERVICE BUREAU
PERSONNEL REPORT**

**NOTIFICATION OF MERIT STEP INCREASES
Since June 14, 1995**

Name	Position	Effective Date Previous Grade & Step	Effective Date Current Grade & Step
Richard Johnson	Deputy Director	6/17/94 41-5	6/16/95 41-6
Loanne Dodge	Iowa Code Editor	6/17/94 38-3	6/16/95 38-4
Thane Johnson	Sr. Research Analyst	6/17/94 38-5	6/16/95 38-6
Richard Schulze	Iowa Code Index Supervisor	6/17/94 28-4	6/16/95 28-5
Pam Worden	Administrative Code Index Supervisor	6/17/94 28-4	6/16/95 28-5
Kathleen Bates	Deputy Administrative Code Editor	6/17/94 35-1	6/16/95 35-2
Andrea Meier	Proofreader Supervisor	6/17/94 22-3	6/16/95 22-4
Kathy Hanlon	Research Analyst 1	6/17/94 29-3	6/16/95 29-4
Susan Crowley	Legal Counsel 1	6/17/94 32-3	6/16/95 32-4
Michael Kuehn	Legal Counsel 1	6/17/94 32-3	6/16/95 32-4
Susan Weddell	Computer Systems Analyst 1	6/17/94 27-2	6/16/95 27-3
Jody Jennings	Sr. Text Processor	6/17/94 25-3	6/16/95 25-4
Shelli Tobis	Sr. Document Processor	12/12/94 22-1	6/16/95* 22-2
Janet Hawkins	Indexer 1	6/17/94 22-2	6/16/95 22-3
Gina Garrett	Proofreader	10/17/94 16-1	6/30/95* 16-2
Judith Kaut	Assistant Editor 1	12/30/94 24-1	6/30/95* 24-2
Gary Thompson	Legislative Info. Officer	7/15/94 24-3	7/14/95 24-4
Anne Ippolito	Proofreader	1/23/95 16-1	9/8/95* 16-2

Name	Position	Effective Date	
		Previous Grade & Step	Current Grade & Step
Faith Sherman	Assistant Indexer	3/20/95 19-1	9/22/95* 19-2
Julie Livers	L.I.O. Director	10/7/94 30-5	10/6/95 30-6
Cathy Kelly	Publications Assistant	3/27/95 21-1	10/6/95* 21-2
Betty Shea	Proofreader	5/15/95 16-1	11/17/95* 16-2

*completed 6 months probation

NOTIFICATION OF VACANT POSITIONS FILLED
Since June 14, 1995

Name	Position	Date Filled	Grade & Step
Kregg A. Halstead	Legal Counsel	10/25/95	30-1
Richard S. Nelson	Legal Counsel	11/6/95	30-1
Janet L. Simmons	Legal Counsel	11/15/95	30-1

RESIGNATION/TERMINATION

Carolyn Lumbard - June 15, 1995
 Frances Maust - September 1, 1995
 Leslie Hickey - September 22, 1995
 Anne Ippolito - September 29, 1995
 Jennifer Clark - October 20, 1995
 Chris Burch - November 11, 1995

PART-TIME POSITIONS FILLED

Randy Balch, Proofreader 1, 10/09/95, 16-1
 Dorothea Timm, Proofreader 1, 11/06/95, 16-1

**LEGISLATIVE SERVICE BUREAU
PROPOSED PROMOTIONS**

Name	Current Position		Recommended Position
	Job Title	Job Title	Job Title
Date of Hire	Grade	Grade, Step	Grade, Step
	Date Attained	Last Step Increase	Effective Date
Douglas Adkisson	Legal Counsel 2	Legal Counsel 2	Senior Legal Counsel
12/22/86	35	35-6	38-5
	12/18/92	12/17/93	12/15/95
Mark Johnson	Legal Counsel 2	Legal Counsel 2	Senior Legal Counsel
1/24/87	35	35-6	38-5
	12/18/92	12/16/94	12/15/95
Rosemary Drake	Assistant Editor 2	Assistant Editor 2	Assistant Editor 3
10/14/88	27	27-3	30-2
	12/31/93	12/30/94	12/29/95
Joanne Walroth	Assistant Editor 2	Assistant Editor 2	Assistant Editor 3
8/24/92	27	27-2	30-1
	02/25/94	02/24/95	02/23/96

**COMPUTER SUPPORT BUREAU
PERSONNEL REPORT
November 29, 1995**

<u>Employee Name</u>	<u>Position</u>	<u>Previous Gd/Step/Date</u>		<u>Current Gd/Step/Date</u>	
<u>Completion of Probationary Period</u>					
Joe Kroes	Computer Systems Engineer I				
<u>Merit Increase</u>					
Steve Nelson	Computer Operator II	24/4	11/94	24/5	11/95
Joe Kroes	Computer Systems Engineer I	29/1	5/95	29/2	11/95
<u>Resignation</u>					
Ed Damman	Division Administrator I	<u>Effective Date</u> 7/95			
<u>New Hire</u>					
John Rafdal	Computer Systems Analyst I	<u>Effective Date</u> 10/95		<u>Current Gd/Step/Date</u> 27/1	
<u>Promotions</u>					
	<u>Current Postion/Proposed Position</u>	<u>Current Gd Step/Date to Proposed Gd Step/Date</u>		<u>Hired Date/Last Promotion</u>	
Kay Evans	Division Administrator I	35/6	11/94	6/85	
	Division Administrator II	38/5	11/95	11/93	
Virginia Rowen	Computer Systems Analyst I	27/6	12/94	12/93	
	Computer Systems Analyst II	29/5	12/95	--	

GENERAL ASSEMBLY OF IOWA



LEGAL COUNSELS

Douglas L. Adkisson
Edwin G. Cook
Susan E. Crowley
Patricia A. Funaro
Michael J. Goedert
Kregg A. Halstead
Mark W. Johnson
Michael A. Kuehn
Richard S. Nelson
Janet L. Simmons
Julie A. Smith

RESEARCH ANALYSTS

Kathleen B. Hanlon
Thane R. Johnson

LEGISLATIVE SERVICE BUREAU

STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
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DIANE E. BOLENDER
DIRECTOR

RICHARD L. JOHNSON
DEPUTY DIRECTOR

JOHN C. POLLAK
COMMITTEE SERVICES ADMINISTRATOR

LOANNE M. DODGE
IOWA CODE EDITOR

PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

JULIE E. LIVERS
LEGISLATIVE INFORMATION OFFICE DIRECTOR

November 17, 1995

MEMORANDUM

TO: CHAIRPERSON GRONSTAL AND MEMBERS OF THE SERVICE COMMITTEE

FROM: DIANE BOLENDER *DB*

RE: FUNDING FOR TECHNOLOGY PROJECTS

The Legislative Service Bureau has been working on three different projects that involve the use of advanced technology to produce products that are a part of the mission of the Legislative Service Bureau. These three projects involve the Iowa General Assembly Bill Drafting System, the Iowa Administrative Code, and preparations for the Iowa Redistricting Process. In the case of each of these three projects, additional funding is required.

Attached to this memo are explanations of each of these projects and the funding required. The funding request is included in the proposed budget of the Legislative Service Bureau.

Thank you.

Replacement Legislative Bill Drafting System for the Legislative Service Bureau, Senate, and House of Representatives

CURRENT PROBLEMS

The Director of the Legislative Service Bureau, the Director of the Computer Support Bureau, the Secretary of the Senate, and the Chief Clerk of the House, have been working on the development and implementation of a replacement legislative bill drafting system for the Legislative Service Bureau, Senate, and House of Representatives.

The replacement system is necessary to remedy the following problems:

- To replace nonsupported mainframe terminals with PC workstations.
- To provide a bill drafting system that is not affected by periodic upgrades of mainframe software.

ESSENTIAL FUNCTIONS

The replacement system will retain the following essential functions of the current system:

- Maintain the use of software currently used to produce the Code of Iowa, bill and amendment drafts, calendars, journals, bill history, committee reports, and other General Assembly data bases. This software has been developed over the last ten years and to replace this software in the short term would require thousands of hours of software development.
- Maintain the use of the automatic amending function which allows the Senate and House to accurately and efficiently collate and incorporate amendments into bills in order to quickly message bills and amendments to the other chamber for further action. The Legislative Service Bureau also uses this function to quickly incorporate amendments into committee bills prior to those committee bills being read in at the well for chamber consideration. This is a function which is unique at this point to only two states' drafting systems, allowing Iowa's legislature to produce final bill and amendment copies more quickly than other legislatures and to operate with many fewer text entry operators and proofreaders than would otherwise be necessary.

ENHANCEMENTS TO CURRENT SYSTEM

The replacement system will provide the following enhancements to the current system:

- A PC interface for the system which will take advantage of less expensive, off-the-shelf software and offer a more user friendly interface for both casual and technical users.
- Use of Microsoft Word for Windows as the system's standard word processing software for initial bill and amendment entry.
- The capability of improving the bill drafting system using PC software.

PRIOR FUNDING

Earlier this year the Legislative Council approved the expenditure of funds for Phase I (Requirements Definition Study) and Phase II (Detail Design Report) of a three-phase project to replace a portion of the legislative bill drafting system by the 1997 legislative session. Phase III implements the Detail Design Report written during Phase II.

FUNDING NEEDED

- The Director of the Legislative Service Bureau, the Secretary of the Senate, and the Chief Clerk of the House request that the Legislative Council approve the supplementation of the Legislative Service Bureau's budget for the 1995-1996 fiscal year with \$340,000 from funds appropriated pursuant to Code section 2.12 and necessary to properly carry out the functions of the General Assembly for initial funding for Phase III of the replacement bill drafting system. Expenditure of the supplemental budget item is subject to the signing of an agreement between the Chairperson and Vice Chairperson of the Legislative Council and Unisys.
- The budget of the Legislative Service Bureau will contain \$200,000 in the Professional and Scientific Services category for the final stages of the development and implementation of a replacement legislative bill drafting system for the Legislative Service Bureau, Senate, and House of Representatives.

LEGISLATIVE SERVICE BUREAU ADMINISTRATIVE CODE ELECTRONIC DATA BASE PROJECT

BACKGROUND

The Iowa Administrative Code (IAC) was created in 1975 as the compilation of administrative rules adopted by state agencies to implement state law and policy. Prior to creation of the IAC, there was no single source for a citizen to read the up-to-date text of these rules which have the force and effect of law. The public is notified of proposed rules, rules with immediate effect, public hearings, and other information through the biweekly publication of the Iowa Administrative Bulletin (IAB).

Because rules are revised throughout the year, the IAC is published in a loose-leaf format and new pages or supplements are issued every two weeks. While many of the pages are replaced annually, a significant number have not changed in years and some date back to 1975.

ELECTRONIC VERSION

In December 1994, the Legislative Service Bureau (LSB) began producing a CD-ROM containing the Code of Iowa, Iowa Acts, Iowa Court Rules, and rules of five agencies. These rules have been updated and other agency rules have been added in a subsequent issue of the CD-ROM. The latest issue of the CD-ROM had more than 500 purchasers. Because of the legal effect of the rules, it is vital that the printed version of the rules and the CD-ROM version be exactly alike. Ensuring the accuracy of the two versions is a difficult, manual verification process. Developing a single database to produce both the electronic and print versions will permit development of a complete electronic version within available staffing resources. All 22 volumes of the IAC would be on a single compact disk along with the other legal publications

REQUEST FOR PROPOSALS

On July 28, 1995, LSB issued a request for proposals (RFP) to purchase technology and consulting services for electronic publication of the IAC. Prior to issuing the RFP, LSB worked with the Computer Support Bureau and many others researching computer technology. It was learned that many vendors are capable of providing the IAC in an electronic version. However, only a few vendors market products that can provide both a print and an electronic version from the same database with the page layout capabilities needed to match our current publication. The RFP seeks to achieve the following purposes:

- Develop an electronic version of the IAC that can be used for electronic distribution and also as a basis for the print publication process. While in the long term it is anticipated that the need for the print version of the IAC will decline, at the present

time the need for the print version exists and a single database capable of both publishing processes is the least expensive way to proceed.

- Provide a searchable electronic database of the IAC.
- Produce camera ready pages for the IAC, eliminating the need for typesetting.
- Use the electronic data from the IAB for developing the database for the IAC.
- Manage draft versions of the IAC through the editing and review cycle.
- Automate editing, proofreading, and layout functions for the IAC.
- Archive old versions of the IAB and the IAC through some electronic means.
- Distribute the IAB and the IAC, and portions of the IAC, in an electronic format.

FUNDING NEEDED

The LSB is in the process of selecting a vendor and negotiating prices for the technology and consulting services. It is hoped that it will be possible to spread the cost of the project over a two or three year period and pay for all or a portion of the project using the moneys saved from various IAC costs. However, to ensure that sufficient funding is available to pay the front end costs of the project until cost savings are realized, \$200,000 will be included in the FY 97 budget request in the Professional and Scientific Services Category to cover costs to acquire and implement the technology.

REDISTRICTING PROJECT

BACKGROUND

The Census Bureau is gearing up and asking states to begin to prepare for the Census in 2000. In June the Legislative Council approved the Iowa General Assembly's participation in Phase I, the Block Boundary Suggestion Project. Under Phase I, the states assist the Census Bureau in determining census block boundaries and can flag boundaries that should be held as census block boundaries. All current precinct boundaries can be flagged as "must hold" census boundaries. It will be helpful to the project if the precinct boundaries exist in an electronic format.

ELECTION DATA SERVICES, INC. (EDS) PROPOSAL

Election Data Services, Inc. submitted a proposal to the Iowa General Assembly for digitizing the precincts and for software to use the Census Bureau's electronic TIGER (Topologically Integrated Geographic Encoding and Referencing) map files and other software to automatically flag all "must hold" census block boundaries and to assist in the completion of Phases I and II of the 2000 Census Redistricting Data Program.

The Legislative Leadership approved a proposal from the Legislative Service Bureau that it sign an agreement with EDS for software and services and that funding would be provided for the fiscal years beginning July 1, 1995 and July 1, 1996.

FUNDING NEEDED

- The Legislative Service Bureau will to the extent possible pay \$50,000 from the LSB FY 1996 budget to Election Data Services, Inc. If the Service Bureau does not have sufficient moneys in its FY 1996 budget, the Legislative Council will approve additional funding in May or June, 1996.
- For FY 1997, the Legislative Service Bureau budget will contain \$100,000 in the Professional and Scientific Services Category to pay the balance of the funding for the Election Data Services, Inc. agreement.

funding



DENNIS C. PROUTY
DIRECTOR
515/281-5279
FAX 281-8451

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

Memorandum

TO: Service Committee of the Legislative Council
FROM: Dennis C. Prouty, Director *DCP*
RE: Fiscal Bureau Personnel Report
DATE: November 17, 1995

Attached is the Legislative Fiscal Bureau's Personnel Report for the period June 16, 1995, through November 29, 1995. The Report covers all personnel action since the last report, which was submitted June 15, 1995.

LFB PERSONNEL REPORT

November 29, 1995

PERSONNEL ACTION SINCE LAST REPORT: 6/15/1995

SERVICE COMMITTEE REVIEW

MERIT INCREASES:

		<u>Previous Grade/Step</u>	<u>Date Attained</u>	<u>Current Grade/Step</u>	<u>Date Attained</u>
Larry Sigel	Legislative Analyst II	32/2	Jun-94	32/3	Jun-95
Nicole Navara	Executive Secretary	24/3	Oct-94	24/4	Oct-95

VACANT POSITIONS:

Leroy McGarity Legislative Analyst I Effective - Aug. 1995

VACANT POSITIONS FILLED:

Paige Piper/Bach Legislative Analyst Effective - Nov. 1995

SICK/PARENTAL LEAVE:

None

SERVICE COMMITTEE APPROVAL

PROMOTIONS:

	<u>FROM</u>		<u>TO</u>	
	<u>TITLE</u>	<u>GRADE & STEP/ DATE ATTAINED</u>	<u>TITLE</u>	<u>GRADE & STEP/ DATE ATTAINED</u>
Darlene Kruse	Legislative Analyst	27-3 Mar-95	Legislative Analyst I	29-2 Dec-95
Leah Churchman	Legislative Analyst	27-3 Mar-95	Legislative Analyst I	29-2 Dec-95
Valerie Thacker	Legislative Analyst	27-3 Mar-95	Legislative Analyst I	29-2 Dec-95



DENNIS C. PROUTY
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STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU
Memorandum

TO: Members of the Service Committee

FROM: Dennis Prouty *DProuty*

DATE: November 16, 1995

RE: Request for One F.T.E. Position

I am requesting the addition of one position within the computer system analyst series to the Table of Organization for the Legislative Fiscal Bureau (LFB) starting in January 1996. The Legislative Council approved the development of a salary projection model to calculate the cost of salary increases for all State employees. The model is nearing completion and will offer the following enhancements:

- Ability to apply funding source and cost by individual State employee.
- Ability to project salary increase costs for the Board of Regents professional/scientific staff and faculty.
- Ability to do overall analysis of staffing patterns including seasonal employees.
- Ability to perform accurate legislative oversight.

Once the model is complete, we will need to update, maintain, and calculate new and different parameters for the database. I anticipate that the new position will be utilized one-half time for the salary model.

The LFB is also planning on providing legislators electronic access to the various databases maintained by the LFB. The LFB currently maintains all budget records, all central state accounting records and all central state payroll records. In the past year, the LFB has added the Regents accounting and payroll records to the databases. Our current backlog of programming to provide full access to this information is over one year. It is anticipated that the new position could contribute one-half time to the current programming needs.

GENERAL ASSEMBLY OF IOWA

LEGAL COUNSELS

Douglas L. Adkisson
Edwin G. Cook
Susan E. Crowley
Patricia A. Funaro
Michael J. Goedert
Kregg A. Halstead
Mark W. Johnson
Michael A. Kuehn
Richard S. Nelson
Janet L. Simmons
Julie A. Smith



LEGISLATIVE SERVICE BUREAU

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JULIE E. LIVERS
LEGISLATIVE INFORMATION OFFICE DIRECTOR

RESEARCH ANALYSTS

Kathleen B. Hanlon
Thane R. Johnson

November 17, 1995

MEMORANDUM

TO: CHAIRPERSON GRONSTAL AND MEMBERS OF THE SERVICE COMMITTEE

FROM: DIANE BOLENDER, DIRECTOR

RE: SUPPLEMENTAL ALLOCATION FOR 1995-1996

The Director of the Legislative Service Bureau, the Secretary of the Senate, and the Chief Clerk of the House request that the Legislative Council approve the supplementation of the Legislative Service Bureau's budget for the 1995-1996 fiscal year with \$340,000 from funds appropriated pursuant to Code section 2.12 and necessary to properly carry out the functions of the General Assembly for initial funding for Phase III of the replacement bill drafting system. Expenditure of the supplemental budget item is subject to the signing of an agreement between the Chairperson and Vice Chairperson of the Legislative Council and Unisys.

**Legislative Service Bureau
Proposed Allocation
FY 1997**

	<u>FY 1995 ACTUAL</u>	<u>FY 1996 ALLOCATION</u>	<u>FY 1997 REQUEST</u>
Personal Services	2,624,296.89	3,026,531.00	3,146,958.00
Personal Travel	24,959.70	31,000.00	31,000.00
Office Supplies	72,677.55	68,000.00	71,000.00
Other Supplies	3,034.52	2,200.00	3,000.00
Printing & Binding	800,393.92	551,000.00	1,033,100.00
Uniforms & Related Items	1,687.48	2,000.00	3,000.00
Communications	35,379.49	32,000.00	34,000.00
Rentals	1,458.62	2,000.00	2,000.00
Professional & Scientific Services	228,607.35	10,000.00	310,000.00
Outside Services	2,489.55	3,000.00	3,000.00
Advertising & Publicity	1,732.45	2,000.00	2,000.00
Outside Repairs/Services	14,324.38	26,000.00	26,000.00
Office Equipment	156,092.78	40,000.00	42,000.00
Bill Drafting System			200,000.00
TOTAL **	<u><u>\$3,967,134.68</u></u>	<u><u>\$3,795,731.00</u></u>	<u><u>\$4,907,058.00</u></u>
Funded FTE's	64.25	64.25	64.25
** Excluding Printing	<u><u>\$3,166,740.76</u></u>	<u><u>\$3,244,731.00</u></u>	<u><u>\$3,873,958.00</u></u>

FY - 97 Budget Allocation Breakdown:

<u>ITEM</u>	<u>DOLLAR</u>	<u>ASSUMPTIONS</u>
Personal Services	3,146,958	* Provides for normal merit increases based upon salary review dates. Provides minimal funding for promotions. Includes 2% COLA.
Personal Travel	31,000	* No increase from current year.
Office Supplies	71,000	* Maintains current level.
Other Supplies	3,000	* Maintains current level.
Printing & Binding	1,033,100	* Includes publication of Code of Iowa 1997; anticipates increases in printing costs and paper costs; anticipates slight increase in number of pages for Iowa Administrative Code Supplement and Iowa Administrative Bulletin. Majority of costs for publications are recouped to the General Fund of the State through sales of legal publications.
Uniforms & Related Items	3,000	* Increase because of increase in number of tour guides.
Communications	34,000	* Maintains current level.
Rentals	2,000	* No increase from current year.
Professional & Scientific Services	310,000	* Includes \$10,000 for costs of general professional and scientific services purposes which is unchanged from previous years. Also includes \$200,000 for the costs of acquiring and implementing technology for developing and maintaining a database and in-house desktop publishing for the Iowa Administrative Code. In addition, includes \$100,000 for software and services for preparation for the year 2000 redistricting efforts.
Outside Services	3,000	* No increase from current year.
Advertising & Publicity	2,000	* No increase from current year.
Outside Repairs/Services	26,000	* No increase from current year.
Office Equipment	42,000	* Maintains current level.
Bill Drafting System	200,000	* Completion of replacement bill drafting system for Senate, House of Representatives, and Legislative Service Bureau.

STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
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(515) 281-3592

WILLIAM P. ANGRICK II
CITIZENS' AIDE / OMBUDSMAN

In reply, please refer to:

November 15 , 1995

The Honorable Mike Gronstal
Chair, Service Committee
Legislative Council
Capitol Building
LOCAL

Dear Senator Gronstal:

Please consider this my personnel report for the Service Committee meeting of November 29, 1995.

Resignations

Patricia Nett
Administrative Secretary

Ms. Nett resigned effective October 27, 1995.

Craig Arterburn
Assistant

Mr. Arterburn served as Clean Air Act Small Business Ombudsman/Assistant for Environmental Affairs from January 27, 1995 until August 24, 1995.

New Hire

Kristie Hirschman

Ms. Hirschman was hired as the Clean Air Act Small Business Ombudsman/Assistant for Environmental Affairs at Grade 32 Step 1 effective November 13, 1995.

Promotion

I am reporting the following *anticipated* promotion during the month of December. I am assuming that the following staff member will successfully complete her annual evaluation and be awarded the promotion. The approval of the Service Committee is requested.

<u>Employee Name & Date of Hire</u>	<u>Position & Date of Apt.</u>	<u>Current Grade/Step</u>	<u>Anticipated Position</u>	<u>Anticipated Grade/Step</u>
Judith Milosevich 01/16/91	Assistant II 12/03/93	32/4 12/02/94	Assistant III	35/3 12/01/95

Sincerely


William P. Angrick II

WPA:jg
gronstal

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Thane R. Johnson

November 29, 1995

MEMORANDUM

TO: CHAIRPERSON GRONSTAL AND MEMBERS OF THE SERVICE COMMITTEE

FROM: COMPUTER USER POLICY DIRECTION COMMITTEE

RE: PRICING POLICY FOR REQUESTS FOR CODE OF IOWA AND ADMINISTRATIVE CODE

In accordance with the direction of the Computer User Policy Direction Committee, the Computer User Policy Direction Subcommittee, consisting of representatives from the Legislative Service Bureau, the Computer Support Bureau, the Office of Secretary of the Senate, and the Office of the Chief Clerk of the House, makes the following recommendation to the Service Committee for the approval by the Legislative Council:

That the Computer User Policy Direction Subcommittee establish the prices for provision of the electronic tape of the Code of Iowa and for the electronic discs containing updated and verified portions of the Administrative Code through spring 1996, for outstanding requests received to date, by compiling the costs of materials needed for providing the information, the computer and staff time involved in providing the copies of the information, and any relevant supervisory and direct administrative costs. This information will be provided only as formatted by the General Assembly for its own purposes.

The Subcommittee, in providing such information, may take any action necessary to protect the integrity of the information provided and to prevent any representation by the person receiving the information that the information provided is the authoritative or citable version of the information.