

M I N U T E S

IOWA LEGISLATIVE COUNCIL

April 24, 1990

PRELIMINARY BUSINESS

The eleventh meeting of the 1989-1990 Legislative Council was called to order by Senator Bill Hutchins, Chairperson, at 11:22 a.m., Tuesday, April 24, 1990, in Senate Room 22, State House, Des Moines, Iowa. Members present in addition to Chairperson Hutchins were:

Speaker Donald Avenson, Vice Chairperson  
Lieutenant Governor Jo Ann Zimmerman  
Senator C. Joseph Coleman  
Senator Calvin O. Hultman  
Senator Emil J. Husak  
Senator Donald V. Doyle  
Senator Julia Gentleman  
Senator Jack Nystrom  
Senator Joe Welsh  
Representative Bob Arnould  
Representative Florence Buhr  
Representative Kay Chapman  
Representative John Connors  
Representative Roger Halvorson  
Representative Mary Lundby  
Representative Harold Van Maanen

Also present were:

Ms. Diane Bolender, Director, Legislative Service Bureau  
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau  
Mr. Bill Angrick, Citizens' Aide/Ombudsman  
Mr. Sandy Scharf, Director, Computer Support Bureau  
Mr. Gary Kaufman, Senior Legal Counsel, Legislative Service Bureau  
Mr. Richard Johnson, Legal Division Chief, Legislative Service Bureau  
Mr. Gary Rudicil, Research Analyst, Legislative Service Bureau  
Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau  
Mr. Joe O'Hern, Chief Clerk, House of Representatives  
Mr. Jack Dwyer, Secretary, Senate  
Other Legislative Staff Members

Representatives of the News Media  
Other Interested Persons

ROLL CALL AND MINUTES

Chairperson Hutchins recognized Representative Connors who moved to dispense with the roll call and approve the minutes of the February 1, 1990 meeting as distributed. The motion was adopted.

LEASE/PURCHASE AGREEMENT REQUEST

Chairperson Hutchins noted that a lease/purchase request from the Department of Human Services has been submitted for the Department to replace its teleconferencing system at a cost of \$374,386. A written copy of the request is attached to and by this reference made a part of these minutes.

In reply to a question by Senator Husak, Chairperson Hutchins noted that the detail of the request shows that the lease/purchase of the teleconferencing equipment will provide a substantial savings in excess of \$79,000 during the first year if the lease/purchase is implemented. Senator Husak stated that if this request is similar to other requests for lease/purchasing equipment, the equipment will be obsolete before the final payment is made. Senator Hultman expressed agreement with Senator Husak's statement.

In reply to a question by Representative Chapman, Ms. Michelle Clark, representing the Department of Human Services, stated that she does not have figures on the useful life of the proposed teleconferencing equipment.

Representative Halvorson commented that he does not believe that the Legislative Council has legal authority to prevent the lease/purchase of the teleconferencing equipment if the General Assembly has authorized the purchase. Senator Husak responded by asking why the matter has been brought before the Legislative Council if the Council's approval is not being requested. Vice Chairperson Avenson commented that he recalls that Mr. Jack Walters, Director, Department of General Services, was requested to submit requests for lease/purchase of equipment to the Legislative Council to keep the Council informed of these purchases.

After further discussion, Vice Chairperson Avenson asked to defer on the lease/purchase request pending further research on previous actions by the Legislative Council.

REVIEW OF AMENDMENTS TO IOWA RULES OF CRIMINAL PROCEDURE 43 AND 45

Chairperson Hutchins recognized Senator Doyle for a brief review of the amendments to Iowa Rules of Criminal Procedure 43 and 45 as submitted by the Supreme Court of Iowa. Noting the procedures under Code sections 602.4201 and 602.4202 for the Supreme Court of Iowa to report changes in Rules of Criminal Procedure to the Legislative Council, Senator Doyle moved that the Legislative Council receive the amendments to the Iowa Rules of Criminal Procedure 43 and 45 without objection. The motion was adopted. A copy of the amendments is filed with the Legislative Service Bureau.

REVIEW OF AMENDMENTS TO THE IOWA RULES OF CIVIL PROCEDURE 130, 140, 147(a), 215, 270, AND 372

Co-chairperson Hutchins again recognized Senator Doyle for a brief explanation of the amendments proposed by the Supreme Court of Iowa to the Rules of Civil Procedure. Noting no questions or objections to the amendments, Senator Doyle moved to receive the amendments to the Iowa Rules of Civil Procedure 130, 140, 147(a), 215, 270, and 372. The motion was adopted. A copy of the amendments is filed with the Legislative Service Bureau.

REPORT ON REDISTRICTING ACTIVITIES

Chairperson Hutchins recognized Mr. Gary Kaufman, Senior Legal Counsel, Legislative Service Bureau, for an update on the recent activities regarding redistricting. Mr. Kaufman distributed a copy of "Iowa Reapportionment News" which is a publication of the Legislative Service Bureau regarding redistricting. Mr. Kaufman briefly outlined the current status of work on reapportionment and noted that the county auditors and city clerks have cooperated well in finalizing changes to precinct maps. Mr. Kaufman noted that the contract with the consultant, Election Data Services, Inc., is being revised and hopefully will be in final form for approval at the next meeting of the Legislative Council. Mr. Kaufman also distributed to the Council members a list of computer hardware and supplies which will be needed for redistricting purposes by June 1, 1990. He stated that the computer hardware and supplies are needed by the Computer Support Bureau for testing prior to the commencement of the next phase of reapportionment activities. Copies of the newsletter and list of hardware and supplies are on file in the Legislative Service Bureau.

In reply to a question by Representative Van Maanen, Mr. Kaufman stated that the expenditures for the hardware and supplies are a part of the total \$600,000 cost for reapportionment. Mr.

Scharf added that the \$80,000 worth of equipment and hardware for the computer on the list is a part of a total of \$135,000 of equipment needs, all of which are a part of the total \$600,000 reapportionment package. He added that the equipment can be used by the Computer Support Bureau regardless of the outcome of any further work with the consultant.

There being no further questions, Chairperson Hutchins stated that the report of the redistricting activities is received.

#### REPORT OF THE SERVICE COMMITTEE

Chairperson Hutchins recognized Representative Connors for the Report of the Service Committee. Representative Connors reviewed the report and moved for its adoption.

In reply to a question by Senator Husak regarding the retention of Attorney Mark Bennett to represent the interests of the Office of Citizens' Aide/Ombudsman, Representative Connors stated that it is expected that there will be minimal use of Mr. Bennett's services, and therefore, the \$70.00 per hour fee should not be too costly.

There being no further comments, Representative Connor's motion to adopt the Report of the Service Committee was adopted. A copy of the Report of the Service Committee to the Legislative Council is attached to and by this reference made a part of these minutes.

#### ADULT LITERACY PROSPECTUS

Chairperson Hutchins recognized Vice Chairperson Avenson for a brief review of the prospectus for the study of adult literacy in Iowa which the Legislative Council previously endorsed. He stated that the prospectus is intended to more clearly define the problem and specifications of the literacy study of young adults in Iowa. He stated that a report of the National Assessment of Educational Progress (NAEP) was published in 1986 showing literacy skills of young adults (21 to 25 years of age) throughout the United States and, he commented that the Iowa Department of Education supports this focused assessment of literacy levels of young adults in Iowa. Speaker Avenson further stated that under the prospectus the Department of Education will prepare a request for proposals which specifies the nature and scope of the assessment, a methodology, and reporting requirements, and that adoption of the prospectus by the Council would commit the Council to funding from moneys available to the Council.

In reply to a question by Representative Buhr, Vice Chairperson Avenson stated that he is satisfied that the sampling procedures

used by the NAEP will be sufficient to identify and evaluate the 21-25 year old population in Iowa.

After further discussion, Senator Gentleman moved that the date for awarding the grant, May 1, 1990, be changed to June 1, 1990. She added that the date change is more realistic. There being no further comments, Vice Chairperson Avenson moved the adoption of the study prospectus as amended. The motion was adopted. A copy of the prospectus is attached to and by this reference made a part of these minutes.

LEASE/PURCHASE REQUEST OF THE DEPARTMENT OF HUMAN SERVICES  
(DEFERRED)

Chairperson Hutchins recognized Representative Connors who moved to approve the lease/purchase request of the Department of Human Services for teleconferencing equipment at the cost of \$374,386.

After discussion, Senator Husak moved a substitute motion to defer on the lease/purchase request by the Department of Human Services. Senator Gentleman commented that the Council really needs an answer to the question regarding the useful life of the teleconferencing system.

In reply to a question by Senator Husak, Mr. Gary Williams, representing the Department of General Services, stated that the equipment requested by the Department of Human Services is state-of-the-art and can be easily upgraded for technological advances. He stated that the equipment carries a two-year upgrade warranty, therefore, any improvements to the system within the first two years of the three-year lease/purchase agreement will be paid for by the lessor/seller. In reply to a question by Representative Chapman, Mr. Williams stated that he has no specific information on the useful life of the equipment but he is certain that it will be useful for at least five years.

Concerning previous actions of the Council relating to lease/purchase contracts, Ms. Bolender noted that the Council minutes for August 1989 show that the Council deferred the approval of a lease/purchase contract.

After further discussion, Representative Chapman noted that the teleconferencing equipment currently used by the Department of Human Services is outmoded and frustrating to use and therefore she opposes the motion to defer since she believes that upgraded equipment should be purchased. In reply to two questions by Vice Chairperson Avenson, Mr. Williams replied that the lease/purchase request will be submitted to competitive bids and that the request for proposals has been released.

After further discussion, Senator Husak offered an amendment to his motion to include "until the next Legislative Council meeting." There being no objection, the amendment was adopted.

After further discussion, Senator Husak's motion to defer until the next Legislative Council meeting was adopted.

#### FISCAL COMMITTEE ASSIGNMENT

Chairperson Hutchins recognized Vice Chairperson Avenson for a motion that the Legislative Fiscal Committee be requested to develop a procedure for the Legislative Council's handling of lease/purchase agreement requests from the executive departments. There being no further comments, the motion was adopted.

#### NEXT MEETING DATE AND ADJOURNMENT

Chairperson Hutchins stated that the next Legislative Council meeting date will be Thursday, May 10, 1990.

There being no further business to come before the Council, the meeting was adjourned at 12:03 p.m.

Respectfully submitted,

THANE R. JOHNSON  
Senior Research Analyst