

# M I N U T E S

## IOWA LEGISLATIVE COUNCIL

December 15, 1971

The eighth meeting of the 1971-73 Legislative Council was called to order by the Council Chairman, Representative Andrew P. Varley, at 10:10 a.m., Wednesday, December 15, 1971, in the Speaker's Room, State House, Des Moines. Council members attending the meeting in addition to Chairman Varley were:

Senator Clifton C. Lamborn, Vice Chairman  
Speaker William H. Harbor  
Senator James E. Briles  
Senator S. J. Brownlee  
Senator Lee H. Gaudineer, Jr.  
Senator Eugene M. Hill  
Senator Vernon H. Kyhl  
Senator William D. Palmer  
Representative Michael T. Blouin  
Representative Dale M. Cochran  
Representative Dennis L. Freeman  
Representative Nathan F. Sorg  
Representative Delwyn Stromer

Also in attendance were other legislators subsequently identified in these minutes who were present for the purpose of presenting reports of study committees or interim joint subcommittees of standing committees, Director Serge H. Garrison and several other members of the Legislative Service Bureau staff, and a number of representatives of the news media and other interested persons.

Chairman Varley recognized Speaker Harbor, who presented the report of the Legislative Procedures and Facilities Committee of the Council. A copy of the report is attached to and by this reference made a part of these minutes.

In response to a question from Representative Blouin, Speaker Harbor stated that the "short form bill" procedure referred to in item 1 of the Procedures and Facilities Committee's report would be optional, not mandatory.

Representative Stromer and Senators Lamborn and Kyhl discussed some of the problems which might make it difficult to establish a coordinated committee meeting schedule as suggested by item 2 of the Procedures and Facilities Committee's report. Speaker Harbor stated that one complicating factor is that standing committees have too much overlapping membership. Senator Hill agreed, adding that the number of standing committees could well be reduced in addition to reducing the number of committees upon which each individual serves. Speaker Harbor noted that he has experienced some resistance from House members to reducing the number of individual committee assignments.

Senator Gaudineer suggested that if a compensation commission is established, as suggested in item 3 of the Procedures and Facilities Committee's report, its jurisdiction should extend to state elective office holders and possibly some appointive officers, such as the Commerce Commissioners, in addition to legislators. Speaker Harbor agreed that this might be desirable, adding that he has had some correspondence indicating that judges are also interested in having their salaries evaluated by such a commission. Senator Hill made reference to past studies by the Public Administration Service, and stated he will review the studies to see how broad they were with reference to salaries of elective and major appointive state officers.

There was some discussion of items 4 and 5 of the Procedures and Facilities Committee's report. Senators Lamborn and Gaudineer expressed concern about the concept of the "free" conference committee, particularly late in a session when many of the key conference committees are established. They suggested that if conference committees are unrestricted in such circumstances, the result may be to reopen many matters upon which both houses have previously agreed at a time when the General Assembly is attempting to complete its work and adjourn.

Representative Blouin suggested a requirement that each conference committee either be "free" or given specific instructions as to the areas in which it may work. Chairman Varley commented that the use of the conference committee in Iowa has generally been much more satisfactory and effective than apparently is the case in many other states, and that therefore the General Assembly should exercise caution in changing the present role or rules of operation of conference committees.

Senator Gaudineer inquired whether the Procedures and Facilities Committee has discussed the possibility of defining more restrictively the jurisdiction of each standing committee. Senator Hill replied that this matter was discussed, but the Committee did not arrive at any agreement. Senator Gaudineer stated that when a Committee bill is reported out to the floor by a standing committee which does not have jurisdiction of the bill's subject matter, the bill should be reassigned to a proper standing committee. Speaker Harbor and Senator Hill said the Committee found that such a provision is now in the rules, the only real difference being that the House rule states that this "shall" be done while the Senate rule states that it "may" be done. They added that in the final analysis it is the responsibility of the presiding officer to carry out the policies expressed by these rules. Senator Briles commented that there are almost inevitably some areas of overlapping jurisdiction between various standing committees, and that this will probably always be the case. Representative Cochran expressed agreement with Senator Briles on this point.

With respect to item 7 of the Procedures and Facilities Committee's report, Senator Gaudineer raised the question of where it would be possible to find a truly disinterested expert in areas such as the formulae for unemployment compensation for workmen's compensation, etc. Mr. Garrison commented that if a knowledgeable person is available within state government, it is usually advisable to seek his services first. Representative Stromer remarked that if it is not possible to find a disinterested expert, it might be preferable to go ahead with a bill draft which is known to be less than ideal, and allow its problem areas and points of conflict to be identified through a hearing process within a standing committee. Representative Cochran briefly related the manner in which the 1965-68 Drainage Laws Study Committee had obtained the services of experienced drainage attorneys and engineers to assist in drafting of the legislation developed by that Study Committee.

There was some discussion of item 8 of the Procedures and Facilities Committee's report. Senator Hill suggested the possibility that the newly designated legislative leadership, together with any reelected or holdover Council members from the previous biennium, serve as an interim Legislative Council during the first session of a new General Assembly, prior to the time appointments for that biennium are announced by the presiding officers. Senator Kyhl commented that if Senator Hill's suggestion were adopted, it would be possible to establish a formula whereby the number of Council members required to constitute a quorum would be diminished in accordance with the number of members serving on such an interim council.

Upon concluding the presentation of the Procedures and Facilities Committee's report, Speaker Harbor moved that it be received and filed. The motion was seconded by Representative Sorg and unanimously adopted.

Chairman Varley stated that the Council would proceed with the receiving of reports of study committees and interim sub-committees of standing committees, using the same procedures that had been followed at the Council's meeting one week earlier. (NOTE: Unless otherwise indicated, copies of each such report referred to in the remainder of these minutes may be obtained from the Legislative Service Bureau.)

Chairman Varley recognized Senator Quentin V. Anderson, Chairman of the Assistance Grant Programs Study Committee. Senator Anderson presented the Study Committee's final report.

Senator Anderson noted recent publicity to the effect that the state of Iowa is only meeting 81% of the basic needs of welfare recipients. He asserted that the Study Committee found

that by taking advantage of certain other programs available to them, such as food stamps and Medicaid, recipients actually receive benefits much more nearly approximating their actual needs. In fact, a few recipients even obtain benefits which amount to more than 100% of need as defined by Department of Social Services, but Senator Anderson stressed that these are exceptional cases.

Senator Anderson also commented that the Study Committee considered proposals to end county control of employees of county social services offices. He stated the Study Committee concluded this should not be done so long as counties are left with substantial financial responsibility for the cost of some categorical assistance programs.

Upon the conclusion of Senator Anderson's presentation, Representative Sorg briefly enlarged upon the reason for recommendation 2, appearing on page 2 of the Study Committee's report. He stated that the funding of the Aid to the Disabled Program has become a particular problem in Cerro Gordo County, where a nonprofit organization has established what is known as "Handicapped Village". He also noted that, with respect to the change proposed by the Study Committee's recommendation 4, this is basically a question of bookkeeping.

Representative Blouin asked whether a county must pay all of its share of the cost of each categorical assistance program which is partially county funded from the maximum four and one-half mill levy for the county poor fund. Senator Anderson replied in the affirmative, and Representative Sorg commented that if a county cannot meet the costs imposed on it by such programs from this source, it must stamp warrants to be paid out of the succeeding year's levy. Representative Blouin stated that this situation is an increasing burden upon some of the urban counties, and that if it is allowed to stand unchanged it will eventually be necessary for these counties to use their entire four and one-half mill levy to pay interest on warrants stamped in preceding years. He asserted the state is shirking its responsibility in this area, and should take over the funding of the entire nonfederal share of all categorical assistance programs immediately.

Representative Blouin also said he finds it very inequitable that Old Age Assistance recipients have their assistance grants reduced in proportion to any increase which the federal government may grant in Social Security benefits. He pointed out this not only nullifies the effect of the increase in Social Security benefits, but in marginal cases where a recipient has previously been getting only a few dollars in Old Age Assistance he may become entirely ineligible and thereby lose his eligibility for Medicaid benefits. The net effect of this is a substantial reduction in the overall benefits available to the

recipient because of a small increase in federal Social Security benefits.

Senator Gaudineer and Representative Blouin questioned the desirability of the taking away ADC benefits from vocational technical students between the ages of sixteen and twenty. Senator Gaudineer stated that this will be particularly damaging to mentally retarded young people who are incapable of earning a high school diploma but are attempting to acquire skills so as to be able to earn at least a portion of their living. In response to questions by Representative Blouin, Senator Anderson said he does not know the exact number of young people who would be affected by the proposed change or how much money would be saved. He added that it is not likely that the saving would be very large in terms of the overall program, but that the Study Committee nevertheless thought it would be better to use this money to more adequately fund grants for the benefit of younger children.

Representative Blouin then asked Senator Anderson how many present recipients of categorical assistance grants in Iowa are deemed employable. Senator Anderson said he does not know, but that this information is probably available from the Department of Social Services. Representative Sorg commented that Commissioner of Social Services James Gillman had cited data on this point in a television appearance on the previous evening.

Representative Cochran endorsed Representative Blouin's earlier suggestion that the funding of all categorical welfare programs should be shifted entirely away from any reliance upon county property taxes. He added this would not necessarily mean any increase in the dollar amounts being expended, but would provide for the money to be raised from a more adequate tax base. Senator Anderson stated that he believes the members of the Study Committee are basically in agreement on this point, but that they feel it necessary to go slow in making the change and did not believe they should recommend shifting anything except the Aid to the Disabled program entirely away from county funding at this time.

Representative Sorg moved that the Council receive and file the Study Committee's report. The motion was seconded by Senator Brownlee and adopted by a voice vote, Representative Blouin voting no.

Chairman Varley recognized Senator Lamborn, Chairman of the Penal and Correctional Systems Study Committee. Senator Lamborn presented the Study Committee's progress report.

With respect to the Study Committee's legislative recommendation 3, Senator Hill raised the question as to exactly what the Parole Board presently considers its role to be, and why

it should need a full-time executive secretary and employees directly responsible to it in view of the fact that it was attached to the Department of Social Services for administrative and support purposes when the Department was formed in 1967. He suggested that possibly much of the problem arose from the inability of the late Parole Board Secretary Russell Bobzin to adjust to this changed situation, from the previous situation in which the Board of Parole had direct authority over parole officers who are now employees of the Department of Social Services.

In response to Senator Hill's questions and comments, Senator Lamborn stated that the Study Committee has found that apparently one of the more serious problems at the state's penal institutions is the frustration many inmates feel due to their apparent inability to directly contact anyone who represents the Board of Parole as such, rather than the penal institutions and the Department of Social Services generally. He stated the Study Committee feels it would be desirable to have at least one person at each penal institution who would be identified as a representative of the Board of Parole, and would not be a member of the institution's staff in the sense of being directly responsible to the warden. He added that the Board of Parole's workload almost dictates either the employment of an executive secretary or that membership on the board be considered a full-time responsibility.

Senator Gaudineer said he would have serious questions to raise regarding the manner in which the Board of Parole members presently utilize their time before he would approve either the employment of an executive secretary or making the Board member's positions full-time. He said that since the 1967 reorganization, the Board of Parole is not supposed to have any responsibility for parolees once a parole has been granted. Senator Lamborn agreed, but stated that it is nevertheless necessary for the Board members to review the records of a great many prisoners, and that one of the sources of dissatisfaction which the Study Committee has found is what prisoners view as unjustified delay in obtaining paroles.

Senator Kyhl raised the question of availability of counselors both within penal institutions and to men on parole. Senator Lamborn replied that the Study Committee agrees that more parole officers are needed, but believes that increased counseling can better be made available within the context of a different system of penal facilities, possibly including some type of regional jail. He added that the Study Committee is not yet prepared to make a recommendation in the area of regional jails.

Senator Kyhl moved that the Council receive and file the Study Committee's report. The motion was seconded by Representative Cochran, and unanimously adopted.

Chairman Varley recognized Representative Don D. Alt, Chairman of the Local Governments Financial Assistance Study Committee. Representative Alt presented the Study Committee's progress report.

Referring to the third paragraph of the Study Committee's report, which relates to the appearance of Executive Director Robert E. Hays of the League of Iowa Municipalities before the Study Committee on November 3, Representative Freeman inquired whether the League is now prepared to firmly support authority for local option taxes for municipal governments. He asserted that the League has in the past fluctuated on the question of an optional city sales tax, to the point that it has been difficult for legislators to know what cities really want in this area. Representative Alt replied that he is not in a position to speak for the League of Iowa Municipalities, and commented that Mr. Hays' appearance before the Study Committee was not really germane to its primary concerns.

Senator Briles moved that the Council receive and file the Study Committee's report. The motion was seconded by Representative Sorg and unanimously adopted.

The meeting was recessed for lunch at 12:00 noon, and reconvened in the Speaker's Room at 1:20 p.m., with all Council members and staff who had been present for the morning session again in attendance. Also in attendance were Director of Highways Joseph Coupal and several members of the Highway Commission's state headquarters staff.

Chairman Varley recognized Representative Robert M. Kreamer, Chairman of the Criminal Code Review Study Committee. Representative Kreamer presented the report of the Study Committee, noting some change in its membership as shown on the first page of the report.

Senator Hill inquired whether there is any overlap between the jurisdictions of the Study Committee's Sentencing and Post-Conviction Subcommittee, and that of the Penal and Correctional Systems Study Committee, and if so whether the two studies are being coordinated. In response, Representative Kreamer stated that there is an area of potential overlap but that the Sentencing and Post-Conviction Subcommittee is primarily concerned with sentencing, as opposed to the functioning of the penal or correctional system which handles the individual after he is sentenced. Representative Kreamer added that the Subcommittee's primary concern at this time is to avoid disparity in sentencing for the same or similar offenses.

There was some discussion relative to the requested extension of time for completion of the Criminal Code Review Study Committee's work. Chairman Varley asked if additional federal funds will be forthcoming to continue paying a substantial portion of the cost of this Study Committee, as has been the case in the past. Representative Kreamer replied that he is quite confident that additional federal funds will be approved as long as the Study Committee is making acceptable progress, adding that he has been told by federal officials that Iowa is almost the only state which is using a substantial proportion of its funds under the federal Law Enforcement Assistance Act for such a purpose.

Speaker Harbor moved that the Council receive and file the Study Committee's report, and recommend approval of its request for a one-year extension of the time for completion of its work. The motion was seconded by Representative Blouin, and unanimously adopted.

(NOTE: The reference in line 15 of page 2 of the Criminal Code Review Study Committee's report as submitted to the Legislative Council on December 15, which reads "July of 1973" should read "July of 1972".)

Chairman Varley recognized Mr. Coupal for presentation of the Functional Classification of Highways report, which section 8 of House File 394, Sixty-third General Assembly, Second Session, requires be submitted to the Legislative Council for referral to the standing Committees on Transportation. Mr. Coupal stated that copies of the report were previously mailed to members of the Council, and subsequently to all members of the General Assembly.

(NOTE: The Legislative Service Bureau does not have copies of this report available for distribution; requests for copies should be directed to the Highway Commission.)

Mr. Coupal and two of his associates briefly outlined how the Functional Classification of Highways study and a related needs study now being completed were being conducted, and summarized the Functional Classification of Highways report. A map with a series of transparent overlays was used to indicate the highways and roads placed in various classifications established by House File 394.

Senator Lamborn inquired whether the overall effect of the classification is a net reduction in the number of miles of roads in the state highway system. Mr. Robert Anderson of the Highway Commission staff replied in the negative, explaining that there is a slight increase in total mileage due to some additional roads in newly developed urban areas.

Representative Blouin inquired how many years will be required before the completion of the program outlined in the report just presented. Mr. Anderson stated that he is unable to answer Representative Blouin's question precisely, but that it is estimated that it would require fifteen years to bring all of the roads up to present standards for the classifications in which they have been placed, not allowing for those now meeting such standards which will fall below them within that period of time. In response to a further question from Representative Blouin with particular reference to proposed Expressway 520, Mr. Anderson estimated that its construction should be completed around 1980.

In further response to Representative Blouin's question and related questions by other Council members, Mr. Coupal stated that the needs study, which has to do with the actual condition of existing roads, is not yet completed. However, he stated that on the basis of available information it would appear that a total of \$1.6 billion more than projected available funds will be needed over the next twenty years in order to bring the entire primary system up to existing standards.

In response to a question from Senator Hill, Mr. Coupal and Mr. Anderson stated that county engineers have been kept advised and have participated to some degree in preparation of the final report submitted to the Council, subsequent to the submission of the initial county classification board reports which were received approximately a year ago. Mr. Anderson commented that a few counties were asked to reduce the number of miles they had placed in the trunk and trunk collector systems, in order to make the system of classifications more consistent among all counties, and the counties which were so requested accepted the suggested changes.

Senator Hill then asked whether the Highway Commission is prepared to suggest changes in existing road use tax fund allocations. Mr. Coupal replied that the Commission will make recommendations in this area when the needs study to which he had earlier referred is completed. Senator Hill commented that while it is the responsibility of the General Assembly to allocate specified proportions of available road use tax funds along the various classifications of highways, the Highway Commission should determine specific uses within each classification in accordance with needs.

Speaker Harbor asked Mr. Anderson whether classifications of existing roads were affected in any way by prospective construction of future highways in proximity to present ones. Mr. Anderson replied that all classifications were based on January 1, 1970, conditions, but that some of these will probably be changed as new roads are actually built.

In response to further questions from Speaker Harbor, Mr. Coupal explained that the \$1.6 billion figure which he had earlier cited is based on bringing all classified roads up to present standards and maintaining them at those standards. He stated that the Highway Commission was able to complete 95% of its projected program last year, which indicates that the Commission staff's skill in relating projected programs realistically to capabilities is improving. He said that the term "needs" as he had been using it during the present meeting means financial needs, and that priorities for reconstruction of highways are based primarily on each highway's sufficiency rating, although some other factors are considered. These factors include spreading the overall highway construction workload over the entire state geographically to some degree, and avoiding having any one type of work (grading, paving, etc.) represent an unduly large proportion of the Commission's program for any one year so as to obtain better bid prices.

Speaker Harbor moved that the Council receive and file the Functional Classification of Highways report. The motion was seconded by Representative Cochran, and unanimously adopted. Mr. Coupal and members of his staff who were present then left the meeting.

Chairman Varley recognized Representative Richard F. Drake, Chairman of the Voter Residency and Registration Subcommittee of the standing Committees on State Government. Representative Drake presented the Subcommittee's final report.

Most of the discussion of the report centered about recommendation 7. In response to a question from Senator Lamborn, Representative Drake confirmed that if this recommendation is enacted into law, a person's residence for voting purposes will, for all practical purposes, be what he says it is. Senator Hill asked whether this means that an individual could have one residence for voting purposes, and another for other purposes. Representative Drake stated that while he would yield to any attorneys present who might care to deal with this question, it is his own opinion that the answer to Senator Hill's question would be affirmative.

After further discussion, Representative Freeman stated that he is not particularly opposed to permitting young persons to vote in their college communities if they so desire, but is concerned about the possibility that individuals might be able to vote both at a point which they claim as their present residence, and by absentee ballot at another point which would normally be considered their home community. Representative Drake pointed out that when an individual presents himself at the polls as an elector, he is required to sign under oath a declaration of eligibility which includes the statement "I have not voted and will not vote in

any other precinct in said election." Representative Drake stated that false signing of such a declaration is an indictable misdemeanor which carries a severe enough penalty that it should be effective in discouraging deliberate vote fraud, although he added that proving vote fraud is quite difficult and he does not know of anyone who has been convicted of vote fraud in the history of the state. He also commented that in his opinion nearly all violations of voting laws which have occurred in the past have been due to ignorance, not intentional fraud.

With reference to the Subcommittee's recommendation 4, Representative Blouin asked if it would not be desirable to do away with the office of township trustee entirely. Representative Drake replied that township trustees still exercise some functions in some areas, primarily relating to maintenance of cemeteries and operation of volunteer fire departments. He pointed out that county supervisors now have the option of appointing trustees where the offices are not filled by election, or of assuming the powers and duties of the offices themselves. He also commented that Cedar County is presently in the process of reducing the number of civil townships within the county.

In response to a question from Senator Gaudineer, Representative Drake stated that it is the intent of the Subcommittee's recommendation 6 that an individual may vote in a given election if he has been a resident for thirty days prior to the date of that election, even though he lives in an area where registration is required and the registration books are closed twenty days before the election date. That is, he could register immediately upon assuming residence, in anticipation of being eligible to vote on election day even though he would not actually be eligible to cast a ballot on the date on which his registration is made.

Representative Cochran asked whether the Subcommittee's recommendations were agreed upon unanimously by its members. Representative Drake stated that it is his recollection that they were, adding that he is quite sure that recommendations 6 and 7, which are the two most likely to prove controversial, were unanimously agreed upon by the Subcommittee's members. He added that it appears necessary that the 1972 session take some action with regard to the matters within the Subcommittee's jurisdiction, whether or not the actions taken are in accord with the Subcommittee's recommendations.

Representative Stromer moved that the Council receive and file the Subcommittee's report. The motion was seconded by Representative Cochran, and unanimously adopted.

Chairman Varley recognized Representative Edgar H. Holden, Chairman of the Mental Health and Juvenile Institutions

Study Committee. Representative Holden presented the Study Committee's progress report.

At the conclusion of Representative Holden's presentation, Speaker Harbor inquired whether any effort is being made by the state mental health institutions to cooperate with the federal Veterans Administration programs in the area of mental health. Representative Holden stated that he is not aware of any such efforts.

Senator Gaudineer stated that Representative Holden's informal comments in the course of his presentation, regarding the lack of coordination of various mental health programs being carried on in Polk County, are well taken. Senator Gaudineer also made reference to comments he said he has heard to the effect that the Clarinda Mental Health Institute would probably be closed if any substantial number of Polk County patients were withdrawn. Chairman Holden noted that the Study Committee has suggested that the four state mental health institutes might well become less alike rather than more alike, adding that the Clarinda Institute presently has in its catchment area more counties which are not served by community mental health centers than any of the other state mental health institutes and it would be well for the Clarinda Institute to make plans to serve its area accordingly.

Representative Blouin and Senators Lamborn and Kyhl discussed briefly with Representative Holden the Study Committee's activities if it is authorized to continue its work for another year. Representative Holden stated that indications of the directions in which the Study Committee intends to move are included in its progress report.

Representative Cochran moved that the Council receive and file the Study Committee's report. The motion was seconded by Senator Kyhl, and unanimously adopted.

Chairman Varley recognized Senator Wayne D. Keith, Chairman of the Subcommittee on Radiation of the standing Committees on Environmental Preservation. Senator Keith presented the Subcommittee's final report.

At the conclusion of his presentation, Senator Keith noted that Representative Cochran served as a member of the Subcommittee. Representative Cochran said he had nothing to add to the very complete report presented by Senator Keith, but expressed hope that the bill recommended by the Subcommittee will be acted upon during the 1972 session.

Senator Kyhl moved that the Council receive and file the Subcommittee's report. The motion was seconded by Representative Blouin and unanimously adopted.

Chairman Varley recognized Representative George N. Pierson, Chairman of the Amusement Rides Subcommittee of the standing Committees on Human and Industrial Relations. Representative Pierson presented the Subcommittee's final report.

Representative Blouin moved that the Council receive and file the Subcommittee's report. The motion was seconded by Representative Stromer, and unanimously adopted.

Representative Pierson stated that he and Representative Floyd H. Millen, Chairman of the House Human and Industrial Relations Committee, wished to formally suggest to the Legislative Council that it establish during the 1972 interim a study to determine the cost of public employee collective bargaining. Representative Pierson added that this request is being made because it is believed that there is not sufficient information available regarding the cost of such legislation, although passage of the legislation is being urged by some groups.

Council members took no formal action on the request presented by Representatives Pierson and Millen. Some individual Council members indicated that they would be willing to consider the request at a later date.

Chairman Varley again recognized Representative Holden, who also served as Chairman of the Nursing Home Subcommittee of the standing Committees on Social Services. Representative Holden presented the final report of the Subcommittee. In addition, he commented informally that he and other Subcommittee members feel there are serious inadequacies in the present state law relative to the manner in which departmental rules are developed and adopted, with particular reference to such matters as notice to interested parties and rules which exceed legislative intent.

Senator Hill inquired whether the Subcommittee is prepared to propose specific amendments to Chapter 135C of the Code, to implement their recommendations. Representative Holden replied that no such proposals have been prepared at this time, although he would anticipate that some amendments to the present law will be offered to the 1972 session.

There was some discussion of Representative Holden's comments relative to rule making procedure. Representative Holden called to the attention of Council members a recent article by Professor Bonfield of the University of Iowa College of Law, stating that an administrative procedure law is needed in Iowa. He also noted that the Departmental Rules Review Committee, at its meeting on the present date, had experienced some of the same problems with respect to proposed rules for operation of motor vehicle testing stations which the Subcommittee experienced with

respect to the proposed nursing home rules. Senator Lamborn expressed agreement with many of Representative Holden's comments in regard to rule making procedure.

Senator Briles moved that the Council receive and file the Subcommittee's report. The motion was seconded by Representative Sorg, and unanimously adopted.

Chairman Varley recognized Representative Freeman, Co-Chairman of the No-Fault Insurance Subcommittee of the joint Commerce and Judiciary Committees. Representative Freeman presented the progress report of the Subcommittee on behalf of himself and Co-Chairman Senator Rudy Van Drie, and requested approval for the Subcommittee to hold one additional meeting on Tuesday, December 21.

In response to a question from Chairman Varley, Representative Freeman stated that he does not know if the Subcommittee would in fact agree upon recommendation of a specific no-fault insurance bill at the proposed December 21 meeting. Representative Freeman added that he himself does not favor the Illinois plan which the Subcommittee is presently pursuing, although he noted that in fairness to the other members of the Subcommittee it should be made clear that he is presently in the minority on this point.

Representative Cochran stated that at a seminar held in conjunction with the recent meeting of the Council of State Governments Executive Committee in Washington, D.C., it had been indicated by a speaker that the National Conference of Commissioners on Uniform State Laws is preparing a model no-fault bill for presentation to the National Legislative Conference next summer. The speaker had urged that states which have not already enacted no-fault insurance legislation not do so until after the model bill has been presented for their consideration, and had stated that this did not represent an attempt to dictate to individual states as to what their laws should be but merely an effort to suggest a possible bill on which perhaps a substantial number of states could model their legislation. Representative Cochran commented that the suggestion that states wait until this proposed model legislation is available for their review seems reasonable to him. Senator Kyhl endorsed Representative Cochran's remarks, adding that at the same meeting Senator Gaudineer had asked for and was promised a preliminary outline of the proposed model bill.

Senator Lamborn moved that the Council receive and file the Subcommittee's progress report, but defer any action on no-fault insurance legislation for one year. The motion was seconded by Representative Cochran. In response to a question from Representative Freeman, Chairman Varley stated that adoption of the motion would in no way prevent individual members of the

Subcommittee, a standing committee, or any other individual legislators from introducing a no-fault insurance bill in the 1972 session. Senator Lamborn's motion was then unanimously adopted.

Representative Cochran commented that in view of the motion just passed, there would appear to be no purpose for holding an additional meeting of the No-Fault Insurance Subcommittee on December 21, as requested. Representative Freeman replied that he would assume that the members of the Subcommittee who favor the Illinois plan would like to complete work upon it, at least as nearly as possible, on December 21, particularly because Legislative Service Bureau staff member James Wisby has been assigned to staff the Subcommittee and will be leaving the Bureau staff as of December 22. Representative Freeman added that it is also possible that a majority of the Subcommittee might choose to go along with the Council and defer the whole matter for one year.

After further discussion, Representative Blouin stated that as a courtesy to Representative Freeman he would move that the Council authorize the Subcommittee one additional meeting during the present interim. The motion was seconded by Representative Sorg. Senator Hill expressed opposition on the ground that such a meeting would be an unnecessary expense in the light of the Council's adoption of Senator Lamborn's previous motion. Representative Blouin's motion failed for lack of a sufficient majority on a roll call vote of seven ayes to three nays. Those voting aye were Chairman Varley, Speaker Harbor, Senator Kyhl, and Representatives Blouin, Freeman, Sorg, and Stromer; those voting no were Senators Lamborn and Hill and Representative Cochran.

Chairman Varley recognized Senator Ralph W. Potter, a member of the Tax Assessments Subcommittee of the standing Committees on Ways and Means. Senator Potter presented the Subcommittee's progress report on behalf of Senator Roger J. Shaff, the Subcommittee Chairman.

Senator Potter stated that the Subcommittee will hold another meeting after the session convenes. Also, he asked that the Council at some time prior to the 1972 interim provide the Subcommittee with some additional guidance in regard to exactly what Council members want the Subcommittee to do by way of studying the assessment of public utility and industrial property.

There was some discussion regarding the Subcommittee's first recommendation. Senator Potter stated that he was one of the Subcommittee members who were greatly concerned over the conflict between the desirability of protecting private transactions and the necessity for assessment authorities to have access to accurate, current figures on sale prices of land. Senator Hill suggested that information on the sale price of land involved in private

transactions should be held confidential in the same manner that individual's income tax returns are at the present time. Senator Lamborn agreed.

In response to a further question by Senator Lamborn, Senator Potter stated that implementation of the Subcommittee's recommendations should do away with the necessity for employing outside assessing firms.

Chairman Varley inquired whether the Subcommittee will have legislation to recommend to the 1972 session. Senator Potter replied that legislation to implement recommendations 2, 3, and 4 has already been prepared, and that legislation implementing the Subcommittee's other recommendations is expected to be ready for the Subcommittee's consideration when it meets some time during the second week of the forthcoming session.

Senator Kyhl moved that the Council receive and file the Subcommittee's report. The motion was seconded by Representative Sorg, and unanimously adopted.

Chairman Varley noted that he has received a communication from Senator John L. Mowry, Chairman of the Commerce Commission Subcommittee of the standing Committees on Commerce, indicating that the report previously distributed to Council members under the heading "Final Report" should not in fact be considered a final report, and that the Subcommittee will have further recommendations to submit. Chairman Varley added that Senator Mowry had been unable to appear at the present Council meeting.

After a brief discussion, Senator Hill moved that the Council meet during the first week after the convening of the forthcoming legislative session, upon the call of the Chairman, for the purpose of receiving the Commerce Commission Subcommittee's report. The motion was seconded by Representative Blouin, but was declared lost on a voice vote.

Chairman Varley stated that a special meeting of the Legislative Council may be called prior to adjournment of the 1972 session, for some of the purposes suggested in item 8 of the Legislative Procedures and Facilities Committee's report. He expressed appreciation to all Council members for their work during the 1971 interim.

The Council was declared adjourned to the call of the Chairman.

Respectfully submitted,

SERGE H. GARRISON  
Director  
PHILIP E. BURKS  
Senior Research Analyst