

March 23, 1971

Members of the Ethics Committee met in Room 21 of the State Capitol on March 23, 1971 at 7:30 p.m.

The chairman introduced Jim Peterson from the Governor's office who spoke on the governor's message on ethics. Questions were asked of Mr. Peterson by members of the committee.

A report of the Ethics Committee to the House of Representatives was adopted by the committee.

The meeting was adjourned.

Howard A. Kuntson

Vi Nordgren
Committee Secretary

March 23, 1971

ETHICS COMMITTEE MEETING

MR. KNUTSON: We'll call the meeting of the committee to order, and we have with us tonight Jim Peterson from the Governor's Office relating to the governor's message and the governor's position on ethics. Jim, would you like to sit up to the table?

JIM PETERSON: Mr. Chairman, I can only appropriately begin by sharing in what the chairman of the committee has no doubt told you already, that the governor's office is at least in part responsible for the need to get an extension for the deadline which you had to report back to the House. Starting on February 4th, we were invited, but I must say, Mr. Chairman, that that letter did not reach us until February 5th, or at least it didn't get processed and on my desk until February 5th. Nevertheless, even though it's later than some of the others, it is no less important, but it was more difficult to draft than some of the other messages which the governor has sent for your consideration.

The governor felt very strongly that as a 12 year member of the legislature he was not going to recommend something that he did not feel could be adopted - that was unreasonable, or that he could not have supported if it had been recommended at such a time as he was in the legislature. I think some of you have advanced texts of a preliminary draft that underwent some changes, and I think all of you have had an opportunity to see the drafts put on your desks today. So I think that perhaps it would be most appropriate if I would try to answer any questions that you may have thought of since you had complete recommendations placed before you, some of you for a few days, and most of you this morning. So I'll try to answer any questions which you may have. I will not claim that I can answer every question, The proposals that are made here will need the attention of the commission

that hopefully will be established and which will have to make greater and more intensive in-depth search in some of the ways in which some of the recommendations can be implemented. So I'll try and answer any questions which you may have.

DR. SOMMERDORF: This commission on ethics that the governor proposes establishing, this would have to be a statutory ethics commission, I assume?

MR. PETERSON: I suppose it's conceivable that he could simply do it by executive order, but he would much prefer that it be done by statute, feeling that it would have far more weight. He also felt strongly about the kind of balance that he suggests in here. He thinks that the legislature would be far more likely to respond to recommendations that came from a statutory commission rather than one that was created by executive order which would not be much more than an advisory commission. He wants it to be more than that.

DR. SOMMERDORF: Do you have any estimation as to the type of appropriations . . . (inaudible) ?

MR. PETERSON: No.

MR. KNUTSON: I guess I'd like to ask about the disclosure part of it relating to kinds of disclosure that the governor recommends. I suppose if you could give us some background on his thinking on this, on the disclosure part of it, --

MR. PETERSON: Well, first of all he's very sensitive to making sure that the present laws which protect the confidential nature of information that passes between doctor and patient, lawyer and client, minister and parishoner, should obviously be protected. He also feels that there are certain kinds of disclosures that are not necessarily germane to getting at the problem that he suggests, but that when they exceed a certain limit, he used the figure of \$500 for outside income and \$1,000 in investments, then the public has a right to know to whom that legislator or public official, whoever it be, has this kind of direct interest, and so I don't really think I'm answering your

question, Mr. Chairman, but I think this is one of the most difficult parts of trying to draw any kind of statutory code of ethics. I can say this, that this message is based in large part on a statutory similar code in the state of Washington which I believe has been in effect for at least two bienniums. People in Washington have expressed great satisfaction with the disclosure provisions there and they feel that it has substantially lifted any clouds of suspicion that might have existed over the heads of public officials.

MR. KNUTSON: We found this to be our most difficult area too.

MR. JOHNSON, C.J.: Is that a part time legislature too?

MR. PETERSON: Yes, sir. We're talking now, of course, in terms I presume of the broader suggestion of statutory code of ethics, including disclosure for all public officials, not just legislators. And it's not just elected officials either. You'll note that it is department heads, full-time employees of the governor's office are also required to make such disclosures.

MR. SCHUMANN: I notice that he also called for a code of public disclosure for those filing for office - candidates filing for office within 20 days. Can you comment on this?

MR. PETERSON: It seems to be coming increasingly troubling for figures running for public office to voluntarily disclose any particular interest, sources of outside income, or sources of wealth, or sources of potential conflict of interest that they may have. I think if everyone were required to do it in reasonably standard fashion, it would put everyone on the same standard by which to judge. I think he's trying to get at the kind of thing that we erase any hint of suspicion. His feeling is that disclosure in a campaign permits the electorate to make their judgments, not only on the basis of the man's over-all qualifications, but also on the basis of whether or not he has any real or potential conflicts of interest, which supposedly he brought to the public's attention when they vote for him.

MR. SCHUMANN: I notice then you called for the legal

description of any real property in which he acquires interest and limited this to a previous two year period. Have you any comment on that?

MR. PETERSON: I'm not sure that's entirely right, Mr. Schumann. What this would require is a filing with the Secretary of State of such interests and assets and it would thereafter place the burden on the Secretary of State. Thereafter, the secretary of state would be responsible for seeing that officials kept these up-to-date. The feeling was that you can't in this kind of a message, and you probably can't by statute, define precisely enough what would cover every situation. It is very possible for a legislator after the election to get a client and he might be guilty of real or alleged conflict of interest there. It is very possible that he could acquire real property after the time he was elected and therefore not have to disclose it. But over the long run, we feel that this would be a substantial improvement over the present law which does not require any such disclosure. It's designed to just take care of the long run.

MR. WEAVER: On page 6 you talk about relationship between a legislator and a lobbyist and (inaudible)
Do you have any thoughts on that? What do you think is proper in this relationship?

MR. PETERSON: I think you're specifically talking about point 3? This is a most difficult thing to try and be objective about. I suppose that you might apply the same rule that I understand Congress does with its employees, and I think a lunch, cup of coffee, or dinner, if it's under either \$5 or \$10, I'm not sure which, is not covered here. Now I think that you might have to do something like that, and I think it would be appropriate to do that. For example, if an owner of a large resort who had some pending interest in the legislature, came down and took you to lunch at noon and spent \$3 or \$4, I don't think that you could reasonably be presumed, as it indicates on the next page, that a thing of value could influence your vote. On the other hand, if

that same resort owner, who might have some legislation pending before the legislature, were to offer you or me a weekend for my family at his resort, I would think that that could be reasonably be inferred as trying to influence your vote or mine.

MR. WEAVER: How about campaign contributions? I don't know if there's anything in here on that.

MR. PETERSON: No, we did not question that - as to whether we'll do something in the way of a special message or not - we did not touch on that in here, so I guess I can't comment on it since it's not covered in this message.

MR. WEAVER: On that same No. 3, Mr. Peterson, it often refers to the specific instance where a large number of the legislators - I was under the impression that maybe all of the legislators - maybe it was two, three or four committees that were invited to go on like a timber trip for taconite trip, spending some time up there, and my opinion at least was it was a very educational process. Is this in your opinion something that would be forbidden under No. 3?

MR. PETERSON: That particular kind of thing is more commonly called 'junketing' I guess, and I don't recall came up in our deliberations in the preparation of this message. It would be my own opinion that when such trips, or junkets, however you want to refer to it, do take place, whether there is any real influence felt there or not, the hint of suspicion, and the cloud of suspicion arises in the public mind when such trips are given the kind of publicity that they usually are. It does raise some doubts, that whether or not a legislator has been influenced. It would be my own personal judgment that he would have to be very cautious at least in not accepting such trips if there was legislation pending that directly affected the interest of those paying for such trips.

MR. SCHUMANN: The second paragraph here, 'the ultimate remedy for unethical behaviour among elected officials lies with the electorate' - the electorate must have adequate information for

their decisions. Wouldn't it seem that if the junket that we're talking about, and the publicity that would surround it, the pictures that would come home, it would give the electorate adequate information that legislators were out there.

MR. PETERSON: There are many times when such trips can serve a very educational value, and there are times perhaps when a legislator's or public official's need the benefit of this kind of thing. But the doubt does arise, and I guess I would far prefer to see such trips, if they are necessary, in the public discharge of duties, being financed out of the public treasury, rather than raise that doubt of suspicion over the head of public officials.

MR. SCHUMANN: This is the very point I am trying to make is that the public is informed that they are there, and the public is the ultimate judge of the behaviour, and if it were a hint or a cloud above their heads, certainly the public with full knowledge would be able to question them, and really, would this be unethical in that sense?

MR. PETERSON: Well, I would hesitate to call it unethical. My feeling is that the message rings loud and clear on this. The governor has a very high regard for government in general and the legislative process, and I think what he's saying is that we must prevent any doubt whatsoever from creeping in, or we must prevent all reasonable doubt from creeping in that our government is not responsible, or engages in any kind of unethical conduct, and the very fact that it's disclosed and a good deal of attention is given to it, does not necessarily remove that doubt, and therefore, my own personal judgment would be that such trips, if they are - well then you get into a subjective question that's hard to define what is of real value and what is substantial value - ought to be refrained from. But now that's my personal opinion since we didn't engage in any long deliberations over that.

Mr. SCHUMANN: Is it then the point that it's unethical to do these things, or unethical to conceal them from the public - the final judge?

MR. PETERSON: I am not sure that you can answer that it is unethical to do them, or unethical to conceal them. But anything that raises doubt and suspicion in the minds of people, casts doubt and suspicion on the governmental process, and therefore, ought to be refrained from. Now, throughout this, I think you'll note that the penalties are not terribly severe. In other words, we're talking about a misdemeanor, rather than a gross misdemeanor, or something more serious than that. Again the feeling is that if a legislator or any other public official engages in conduct that would be considered to be a violation of this code of ethics, the publicity that surrounds it is probably a sufficient brake on such activities to prevent them from recurring in the future. In other words, it is as you indicated, the publicity that's intended to be the penalty, rather than the financial penalty.

MR. SCHUMANN: In following this a little bit closer, isn't the ultimate judge of the ethical standards, or shouldn't the ultimate judge be the electorate, rather than a misdemeanor before a judge, or something like this? Shouldn't the ultimate judge be the electorate? I'm thinking back to the time of the civil war, and you've probably heard the story of the temperance lady who was haranguing Lincoln on General Grant because he drank so much. Lincoln was wondering if he could only find out where he got his whiskey so he could give it to the rest of the fellows. Now isn't the ultimate judge the electorate.

MR. PETERSON: There is no question but what you say is right. The electorate is the ultimate judge. But the electorate if it's going to judge wisely, is going to have to have information. The governor does not feel that under present law the electorate will necessarily possess the kind of information, and because the law does not require the kind of disclosure that he feels ought to be disclosed in order to enable the electorate to make that kind of

a judgment. There is no differing with you that the electorate, of course, is the ultimate judge, but they must have satisfactory and adequate information if they are to be in a position to make that kind of judgment. That is what this code of ethics _____.

MR. SCHUMANN: One more point, though, going back to the forestry trip. That received wide publicity in the paper.

MR. PETERSON: Well, I don't want to be put in the position of where I practically sign here tonight what the line of demarcation is between a thing of value or not a thing of value. I guess the other provisions of this that would require disclosure of interest in pending legislation, and a part we haven't touched on yet, which would permit a legislator to indicate he had a substantial interest in it, and therefore, be excused from voting. There is another portion of this section that I think would tend to take care of that kind of thing you talk about. If a legislator were seriously concerned that his vote might be considered to be a conflict of interest.

MR. GUSTAFSON: I read the message this evening, and it refers to a violation being a misdemeanor. Now to accomplish that, of course, requires a court hearing, a jury trial, and all the other protection that we have for any conviction for a misdemeanor. Is that what you really had in mind in that message? It occurred to me when I read it that really what I think the ethics committee's function should be, would be, I don't want to use the word 'expose', but that's what we're talking about here, is somebody, but not to take it through the courts and wind up with a misdemeanor conviction. That's kind of the exercise in futility, I thought. I have no quarrel with the basic concept of admission, but to further impose a misdemeanor penalty, that doesn't occur to me to be quite appropriate. Because, if it is severe, then it ought to be a more severe penalty than a misdemeanor.

MR. PETERSON: To couple the two, the conviction of a misdemeanor and the surrounding publicity that would be attached thereto, and I think that would be quite a severe penalty (Mr. Gustafson broke in)

MR. GUSTAFSON: I guess my point is that I assume the function would be to hear a person, admonish, censure, or whatever else we can do around here. But to impose on top of that a trial is kind of a expose facion phenomena, and after you've gone through the effort of censure in the first place.

MR. PETERSON: Not necessarily because I think the public would expect if there were this kind of violation, and it would prove to exist, that the public official should not be excused from a jury trial and all the attendant bad publicity, and thus have to wait for the electorate to be the only judge, and presumably then defeat that public official, or re-elect him, whatever the electorate may choose. But the other ought to be there too if in fact there were a violation of the statutory code of ethics. But you need both.

MR. NOLAN: I guess I share Mr. Schumann's belief that the people are the ultimate judge of a legislator's ethical conduct. Is the purpose of financial disclosure contained in this report so that the people might be better able to judge the ethics of the legislators, and if so, is it your belief that a mere disclosure of the source of income, as opposed to a disclosure of the dollar amounts of income, is sufficient to accomplish that objective?

MR. PETERSON: That subject did get considerable conversation in the preparation of this message. Much goes into this. It is the governor's feeling that there are certain things that would violate existing laws regarding confidential nature. For example, it exists between a lawyer and his clients. The very fact that a lawyer-legislator, for example, might have substantial interest in

Minnesota Mining, or Honeywell, or a bank - that in itself ought to be a sufficient kind of disclosure. He ought not to have to reveal whether he had \$5,000, \$20,000 or \$50,000, but such things as relationship between a lawyer and client in a minor civil proceeding, or a divorce case, or whatever it might in this kind of context, ought not need to be exposed. The very fact that you had an interest of \$1,000 it would seem to be a sufficient disclosure in the governor's mind.

DR. SOMMERDORF: If we had a statutory code of ethics, this would apply not only to legislators, but anybody working for us, and I suppose there is one place where we might want to have some kind of penalty, because otherwise^{if}/you'd call up a page for having a conflict of interest, what can you do to him or her other than let him go. It's kind of hard imagining a page having a conflict of interest, but an employee of some department could easily have a conflict of interest.

MR. PETERSON: I think that you touched on a potential source of far greater conflict there when you talk about a department head. This is not to imply that there has been, or necessarily will be, we hope there won't be such conflict of interest, but potentially, it's perhaps greater with department heads in at least quantitatively large issues, than it would be with a legislator. And if I can pick an example of a department that doesn't have a department head now, so that no one can possibly accuse me of casting down on any personalities, I would say the insurance commissioner. It seems to me that here is an example where a public official could be involved in a substantial conflict of interest if he used his position as head of the insurance department to either influence legislation or to pass on to someone else information that could result in personal gain for himself or some member of his family or some friends.

MR. NOLAN: I was just going to make the observation that inasmuch as we struggled so much with the financial disclosure thing, it seems to me that the governor's approach to this matter does seem to resolve many of the problems that we struggled with here in our meetings regarding confidentiality of relationships between lawyers and their clients, doctors and their patients, as well as avoiding some of the pitfalls of having to disclose dollar amounts when business competition might be involved. And I just want to make that observation.

MR. KNUTSON: We talked about our disclosure matters last night and came to the generalized conclusion, \$5,000 ownership and \$1,000 income on a categorical basis.

MR. PETERSON: Did the committee settle on that?

(Laughter and inaudible)

MR. JOHNSON, C.J.: We're concerning ourselves though in our report, just for clarification, with just legislative ethics, is that right, or was our charge greater than that?

MR. KNUTSON: I assume that we can make any kind of report that we want on the matter of legislative ethics or House ethics. If we want to make a report beyond that, fine, because the present statutory law covers at least legislative employees.

MR. JOHNSON, C.J.: But not department heads.

MR. WEAVER: I too think the governor has been really quite specific, more specific than I thought he might be, and more specific than we have been on many occasions. But No. 6 contains the problem that we have had a lot of discussion on, and the question was always raised that if we can't practice before a state regulatory agency, then how can we practice before a district judge on the same logic that is apparent there? And you have distinguished the tax court and the workmen's compensation commission, and I guess I'd be interested in hearing any comments you might have on how you arrived at the distinction, and if you don't think perhaps the same problem is there for anybody who sets the

salaries for, specifically, judges.

MR. PETERSON: This is a difficult one to wrestle with and we fully appreciate the difficulties you have because we've gone through many of the same agonizing debates ourselves in the preparation of this, and I don't think you can finally draw any kind of statutory code of ethics that is perfect. However, when you as a lawyer practice before a court, the primary leverage which you might have should you want to influence that judge would be on the question of judicial salaries. However, on regulatory agencies, take the insurance department or the public service commission, which is often used as an example, you're dealing with vast broad issues and deal with great numbers of people as distinguished from the effect it might have generally in one or two cases as it could affect judicial salaries. Now you can't make it a black and white case. It's impossible to draw that fine a line, but we attempted to do it, and we think that a better case could be made prohibiting such appearances before regulatory agencies, prohibiting that, than can be made for example such as the tax court that you suggest. I think it would be pretty hard what I know of the tax court, to be able to influence the tax court by suggesting that a pay increase might be withheld. On the other hand, with a regulatory agency, you're not only dealing with their salaries, you're dealing with the appropriations to run their department and to carry out the affairs of that department for the coming two years, so we made that distinction.

MR. KNUTSON: Could you distinguish between the fact that normally when dealing with judges you're dealing with elected officials, and perhaps otherwise, you'd normally be dealing with appointed officials.

MR. PETERSON: Yes, you're right, the public service commission is temporarily, at least, the exception to that, although that too will become completely appointive within a very short time.

MR. JOHNSON, J.: I can't remember exactly how the reports read, but I mentioned this last night. Disclosure of legislative candidates -- is that something that you see as outside the code of ethics, but rather in the election law, or how do you involve a candidate to disclose when he's not yet an employee of the state?

MR. PETERSON: Well, that could properly belong in either place. My own opinion is that the old corrupt practices law, now called the "Fair Campaign Practice Law" could be substantially strengthened. I think all of us know that candidates are not always as prompt in responding to a declaration of campaign expenditures as might be desired. I also note from personal experience that it is very very difficult to get any kind of action in the heat of a campaign against a charge of an unfair campaign practice. So I think it would properly belong there. I don't think that that negates for at least some further research study and recommendations by such a commission as the governor recommends be established by statute, whose primary responsibility would be to report back in the 1973 session, hopefully if this recommendation is enacted in its entirety, or partially, and that the commission will also go along with it, and that any imperfections or loopholes, or broad categories which have not been touched, this commission could come back and report to the next session of the legislature, with its findings, and hopefully, then they be incorporated in the statutory code of ethics, thus substantially improving it. Much is left for the future, and that's the reason for the recommendation that a commission be established.

MR. WEAVER: Did the governor mention anything in there about what we call disclosure as an author, on the floor disclosure, in committee disclosure, or anything like that?

MR. PETERSON: There is something in here about disclosure if you're interested in a bill and the promotion of it, that you disclose to the clerk of the House before it comes up to the committee hearing.

MR. SCHUMANN: One point on that. In either case, the

legislator should be required to ask to be excused from voting on such legislation, with automatic granting of such request. Now there may be a time when we are excused from voting now on occasions. But there may come a time when they certainly do not want to excuse any legislator, and if this were a requirement, in a sense he could not fully represent his district, could he, on some issues?

MR. PETERSON: I think that you've pointed to one of the, I don't want to say weaknesses of the message, but potential problems, but I suppose that this in itself would lend itself to abuse that a legislator might use - alleged conflict of interest, as a way to avoid taking a stand on a controversial issue, by proclaiming himself to have a conflict of interest, and thereby asking to be excused, and perhaps under the language, it would presume that whenever he so requested to be excused, it would have to be granted. And I think we may very well have to refine that, because I think you can put your finger on a problem with the implementation.

MR. GUSTAFSON: Do I understand the only time we have to vote is on the call of the House?

ALL MEMBERS ANSWERING: Vote on all matters unless excused.

MR. GUSTAFSON: How is that brought to a so-called head, except we have a call of the House? Let's say we're voting and suddenly I'm saying I don't vote. How do you make me vote?

MR. KNUTSON: I would expect that somebody can challenge that matter and take it under (interruption). .

MR. GUSTAFSON: Well, what if you have a call of the House?

MR. SCHUMANN: I don't think so. Call of the House just expects you to be in there. I think the rules also state that you must vote on the issue, so I think someone could stand up and say that you were not voting, and you should vote.

DR. SOMMERDORF: Once you excuse someone from voting, in effect, that person is voting against, at least on final passage of that bill. He needs 68 votes, so he's voting against it. I

think if we recommend that people be excused from voting if they say they have a conflict, then we'd have to do something with that rule that says we need 68 votes to pass a bill, and maybe by saying for every person who is excused from voting because of a conflict of interest, the number of votes required to pass a bill and give it its final title should be reduced by one-half vote. You can't reduce it a whole vote, otherwise it has the opposite effect.

MR. SCHUMANN: In that case though, that district is not represented on that issue. You don't even allow him to use this excuse.

MR. MUNGER: I was just wondering what's the feeling of the committee on this so-called educational trips as sponsored and paid for by industry taking out whole committees. I have reference to one particular case where he took the whole committee up north for a 3-day investigation and educational trip for the purpose of defeating the Voyageur's National Park. I don't think this is ethical, and I was wondering what the committee itself thinks on this. Another case is mining companies underwriting some of these trips to South America and up to Canada, and the legislator coming back using mining company equipment to go around to high schools to tell them the dangers of increasing the taxes in Minnesota.

MR. KNUTSON: We talked about that a little bit earlier, Mr. Munger, and we've talked about that in quite a few of our meetings with this committee, and I don't know that I can speak for the committee, but our concern would be for the educational value of that particular item, or that particular trip. If it were as you pointed out, a paid trip to convince the legislators to defeat the Voyageur's Park, for instance, then maybe it's a matter that should better be handled by the legislative appropriation to be an educational trip for the members to that area to learn about it from all sides. If it's something that is strictly

an educational trip and maybe it has enough legislators to minimize the undue influence portion of it, and emphasize the educational portion of it, maybe that's permissible.

MR. MUNGER: As an example, the legislator that's gone to South America,^{or}/Canada, and comes back and tries to exploit his trip by telling the people you can't tax the mining companies because there's mountains of iron ore down there, and using their equipment to go around to the schools to try to prove the fact that taxing the ore industry is (inaudible)
I think this is a real unethical.

MR. KNUTSON: Well, I would guess that our committee would feel that it's not very proper - that's definitely my opinion. One of our recommendations is going to be, I think it's going to be, or I can see it providing a number of hypothetical opinions, or actual opinions if we have any requests for actual opinions, that we could file and be available to the members that give specific examples of certain cases that we don't think are ethical, or some that we think would be.

MR. MUNGER: What I'm thinking of saying is we ought to talk about some of the big things instead of the little penny-ante.

MR. NOLAN: I think that's one of those things that gives the appearance more of conflict than anything, and I think we have to address ourselves to those matters, but I don't really think that a trip provided, regardless of who provides it, if it is a tour of northern Minnesota, a committee of 30 guys is going to not impose any serious conflict of interest for any one individual on the committee, any more than a dinner down here for a committee or the entire legislature. But it is one of those matters that gives the appearance of conflict, and the fact that a private company would take a group of us up there and show us around, when they might have legislation pending before the House.

MR. KNUTSON: They do it on the basis, at least at times, when there isn't any legislation pending.

MR. MUNGER: What I'm trying to say is that I can get you newspaper clippings that certain legislators spent a month going around to the schools with mining company equipment showing pictures of the mountain of ore down in Venezuela.

MR. KNUTSON: That might be a case that you would want to request an opinion of the committee. I'd like to ask Mr. Peterson a question as long as we're going on this kind of a trip, and we talked in this committee about this timber trip, or a trip of 30 or more legislators, and I would say for a problem of this nature, if this is unethical? We discussed the fact that somebody right around in the local area could do this at virtually very little expense to any number - one at a time, or within the bounds of propriety, by a meal or transportation and the whole business, it wouldn't be over \$5 or \$10 per legislator. And we're limiting the people out of state then to promote their programs and educate their legislators on their business. Do you have any comment on that?

MR. PETERSON: I think I would probably repeat what I said earlier, and it's a subjective sort of thing. It's a gray area and isn't an easy black and white situation. But I'd like to again use the example before Mr. Munger came in, if somebody from northern Minnesota has an interest in legislation and an interest in giving his viewpoint before a legislator, or three or four legislators, or a whole committee, and wants to take them out to lunch, costing \$3, \$4 or \$5 apiece for that lunch, I, and I speak for myself, do not consider that to be under influence, or that he's bought their vote, so to speak. On the other hand, if that same person, or resort, or whatever it would be, would offer all of you and your families a week-end at his resort, I would consider that to be a conflict of interest, and could reasonably be inferred in trying to influence the vote. That's a very subjective sort of thing, and you're putting a quantitative judgment on. I believe Congress, as I said earlier, uses the figure of \$5 or \$10. But they use that kind of quantitative measure. Maybe there is no

better measure, and it would not seem to be a perfect one, but I would guess it would be better than having no guideline to go by.

MR. WEAVER: I guess I disagree with Mr. Munger, because it seems to me that the distinction of whether or not you're legitimately trying to be, well, maybe influenced is the word, on a particular piece of legislation, but after all, isn't that what lobbyists are here to do, to convince you of their point of view. Now obviously Mr. Peterson's example that they are just giving you something, and it's no relationship to their trying to promote their point of view. That's clearly improper as far as I'm concerned, but it seems to me that that's what they're here for, and I don't know that you can really say or draw any kind of a rule that would prohibit us from listening to someone who wants to make their viewpoint known. It's awfully hard to draw a line as you mentioned.

MR. MUNGER: I have no objection to someone taking you out and showing you what they have, but when you take a committee for three days and entertain them every evening and with everything they've got, how can the conservation group compete (Laughter) with that? I mean, all the whiskey, all the booze, entertainment of all kinds (laughter).

DR. SOMMERDORF: Can we distinguish on the basis of whether or not the only way to get that information is going there. If that same group would come down here and give a slide presentation, they could take us out to dinner and then subject us to a half hour or hour slide presentation, maybe then we would have no business going up there. On the other hand, if there were something there that the only way we could really understand the problem is by seeing it, and this were open, publicized, so everybody knew it, the rest of the legislators and our constituents, and there was no undue entertainment - little girls brought in - maybe that would not necessarily (inaudible)

MR. KNUTSON: I think I would like to clarify just one

statement there -- you say, girls brought in. We ought to correct that misunderstanding right now.

DR. SOMMERDORF: I didn't mean to imply that that happened.

MR. MUNGER: I served on an income studying commission one time, and it had a \$25,000 appropriation, and when we had a public hearing at Duluth, everything was taken over by mining companies, use their facilities, and the atmosphere and the influence showed up in the committee. And I don't think this is ethical. I think the state of Minnesota has enough money to pay the expenses of the individual legislator to go on those kind of trips, especially in those kind of cities.

MR. KNUTSON: What I'd like to suggest is that we try to keep our questions for right now directed to Mr. Peterson and any conversation we might like to have with him. Mr. Haaven just gave me this rule book for rule 33 on voting, if you have any questions on that. It says, "every member who shall be present before the vote is declared from the chair, shall vote for or against the matter before the House unless the House shall excuse him, or unless he is immediately interested in the question, in which case he shall not vote."

MR. GUSTAFSON: So it's already covered.

MR. KNUTSON: It doesn't define "immediately interested". Any other questions of Mr. Peterson? Perhaps our lack of questions is due to the deliberations that we've had that apparently aren't too far apart from the governor's message.

MR. PETERSON: I'm sure there aren't, and thank you very much for the opportunity to come down, and again my apologies that this message was not to you earlier.