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Perspectives

A Publication about the Minnesota State Senate



SENATE AT WORK

THE SENATE AT WORK:



A 1978 RETROSPECTIVE

While specific actions and debates on topics ranging from abortion to zero-based budgeting gave the 1978 legislative session a character and quality all its own, behind all that were the arguments and debates, the discussions and encounters, and the study and thought that universally characterize the legislative process.

Like other state legislatures, the Minnesota Legislature meets each year and makes laws and decisions that affect every citizen in the state. Yet few persons personally witness committee action or floor debate. And newspapers and television — faced with the daily task of distilling and capsulizing the major news events of the day — most understandably limit their coverage of legislative activities.

Much of what constitutes the legislative process remains essentially invisible to all but those few persons directly involved. There is much more to the legislative process than usually meets the public eye — there are hours of testimony, debate and study, preceding that final moment when legislators must vote aye or nay on a particular issue.

During the 1977 and 1978 sessions some 2,985 bills were introduced in the Senate. Of these, more than 1249 received a hearing in one or more of the Senate's 15 standing committees. In those two years, a total of 797 bills completed the journey into law — or only one of four introduced. And only a handful of them received any statewide attention.

Bills dealing with pensions, minor changes in minor laws, and the operation of local units of government do not often make news headlines. But much of the Legislature's work consists of just such measures. Each minor bill must go

through the same process of committee hearings, expert and public testimony, and floor debate. Packed hearing rooms with television lights and cameras purring are the exception, not the rule.

In reviewing photographs taken during the 1978 session — many of which were taken when no other cameras were present — the editors of **Perspectives** were struck by the repetition of certain activities. Patterns emerged — patterns which, we believe, reveal something of the nature of the legislative process.

Currently both houses of the Minnesota Legislature are controlled by Democratic-Farmer-Laborer majorities with Independent-Republicans carrying forward as the loyal opposition. This composition of the Legislature may, of course, change over the years as elections come and go. But one thing will not change — the House and Senate are groups of men and women who are elected and who seek to enact what are — in their best collective judgment — the best possible laws. That is done by using the tools of the legislative process — hearings and debates, compromises and conferences, and all the other essential activities that must be followed in the course of transforming an idea into a law . . .

The following pages are an attempt to portray — through photographs taken by Senate photographer Mark Nelson — the essence of that legislative process. It is also an attempt to convey something of the day-to-day texture of the Senate — the testifying, the listening, the quick informal conferences, and other human interactions which underlie it all.



OPENING WEEK

Friday, January 13, 1978 — just four days before the scheduled reconvening of the Minnesota Legislature — Hubert H. Humphrey's death saddened the State and the Nation. His funeral and the many memorial services to honor him came during that weekend and the following Monday.

Eulogies marked opening day in the Senate and the top political preoccupation became answering the question of who would succeed him and how such Senate vacancies should be filled — by appointment or special election?

National attention too was focused on Minnesota and opening day saw more than the usual number of cameras and reporters eager to have their questions answered.

AT LEFT: Legislators formed an honor guard on the State Capitol steps as Humphrey's body was taken away after lying in state in the Capitol Rotunda.

BELOW: Reporters and cameramen photograph Senators Nicholas Coleman and Hubert H. Humphrey III on opening day. Both the Majority Leader and the Senator's son delivered eulogies praising HHH — as did Minority Leader Robert Ashbach.





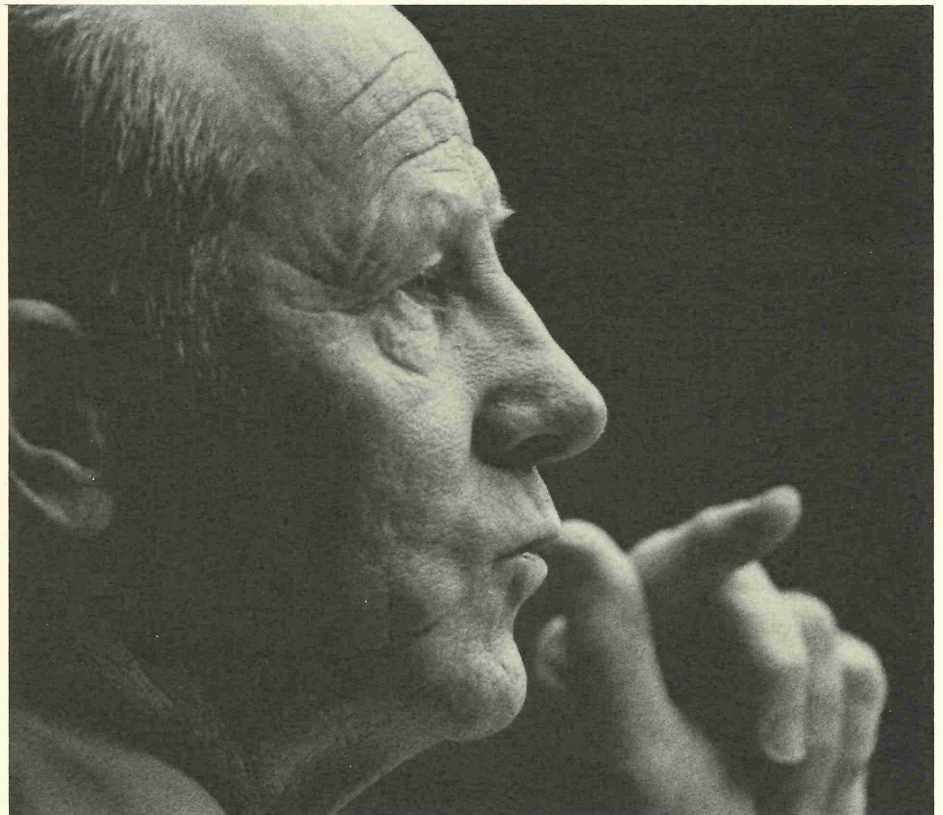
TESTIFYING

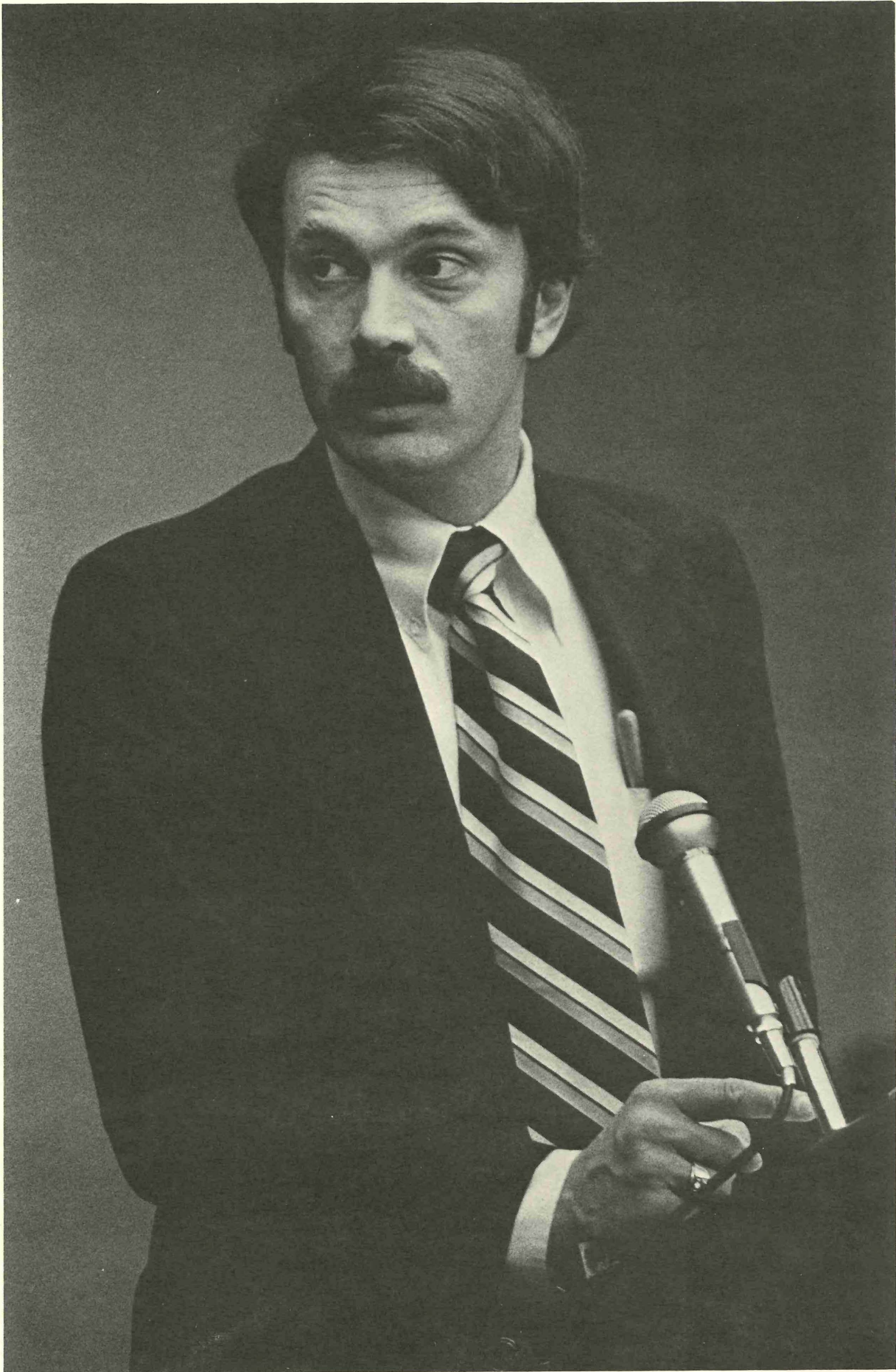
Literally hundreds of persons testify before House and Senate Committees each year. It is through such hearings that Senators determine public reaction to proposed legislation. Sometimes those testifying are acknowledged experts in a particular field. Others are from state agencies, private industry and various organizations such as the League of Women Voters. Still others are simply interested citizens who want to be heard.

ABOVE: Sen. Wayne Olhoft testifying on behalf of his bill to restrict use of state funds for abortions. The abortion issue was one of the more controversial ones faced by the Legislature in 1978 and drew large audiences when it was discussed.

AT RIGHT: Witness testifying before Employment Committee.

OPPOSITE PAGE: Sen. John Chenoweth responds to a question from a fellow Senator regarding his bill to provide for consumer representation in Public Service Commission rate-setting proceedings.









LISTENING

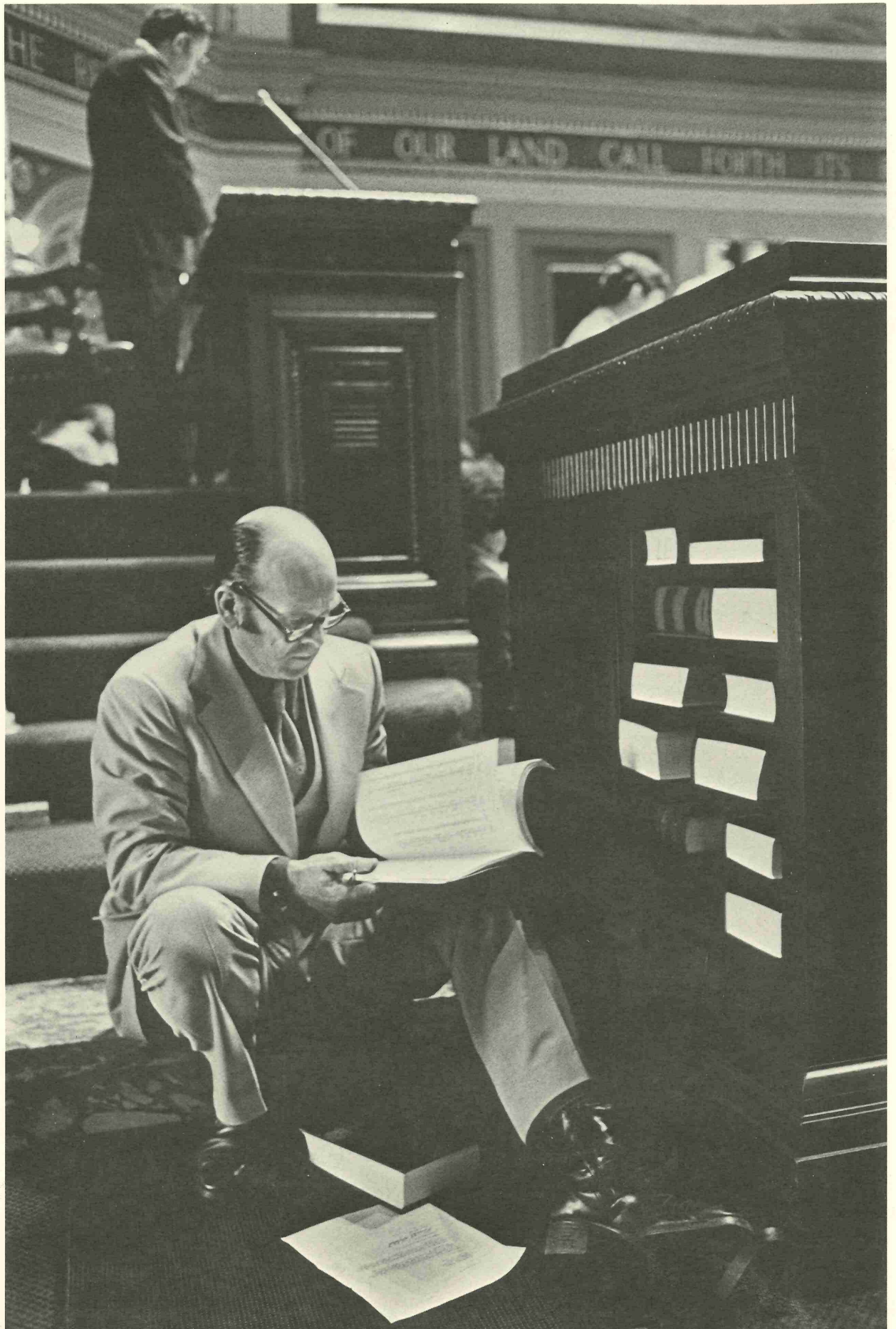
While most people think of State Senators as people who like to talk, the fact is that they spend more time listening — to witnesses and each other.

OPPOSITE PAGE: Sen. Florian Chmielewski listens to an opponent of his bill to reinstate the state's mandatory motorcycle helmet law which had been repealed the previous session. The committee majority seemed to agree that it was too early to assess the impact of the repeal on motorcycle fatalities and no action was taken in 1978.

AT RIGHT: Sen. Steve Keefe listening to floor debate.

BELOW: Minority Leader Robert Ashbach and Sen. Carl Jensen listen and look during a committee meeting.







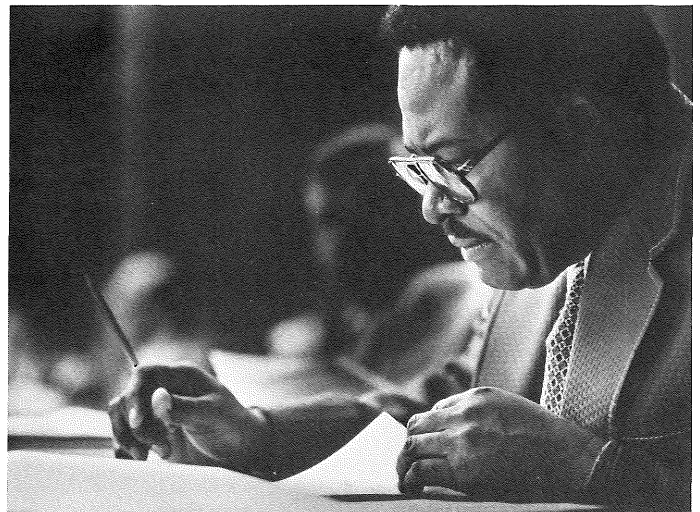
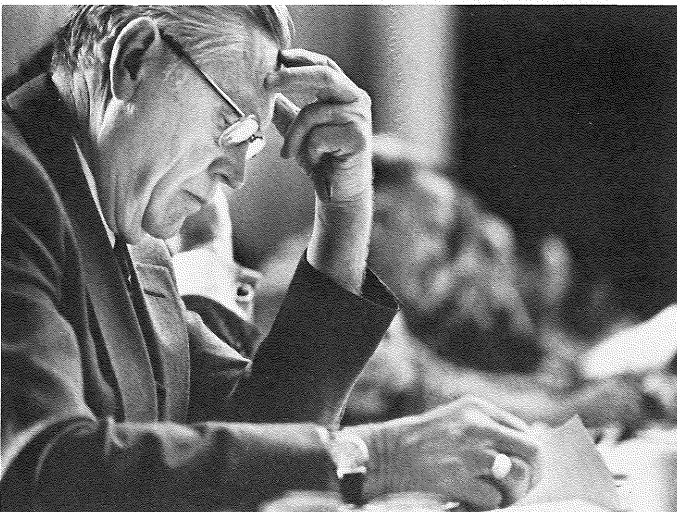
READING

With hundreds of bills, memos, research reports, mail from constituents, and the usual newspapers and magazines, Senators face hours of reading daily. Much of it is done whenever a spare moment presents itself.

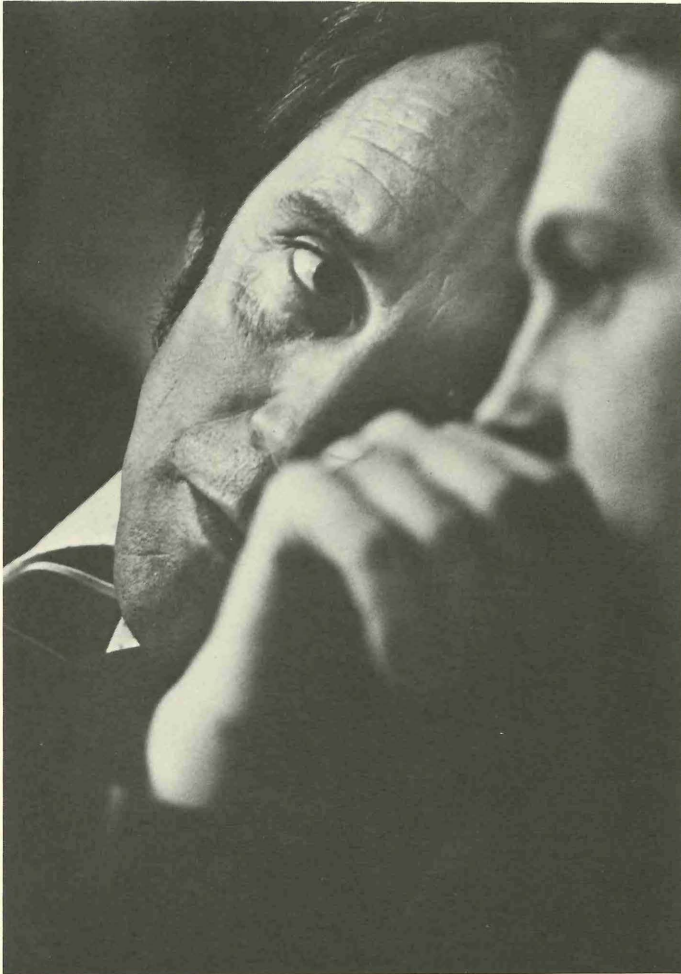
OPPOSITE PAGE: Sen. Earl Renneke checks out details of a proposed law in reference books located on the Senate floor. Senate President Edward Gearty is at podium in rear.

AT LEFT: Sen. James Ulland reads through a bill scheduled to come up next on the Senate floor.

BELOW: Sen. Robert Ashbach (left) and Sen. B. Robert Lewis (right) carefully study bills at committee meetings.







CONFERRING

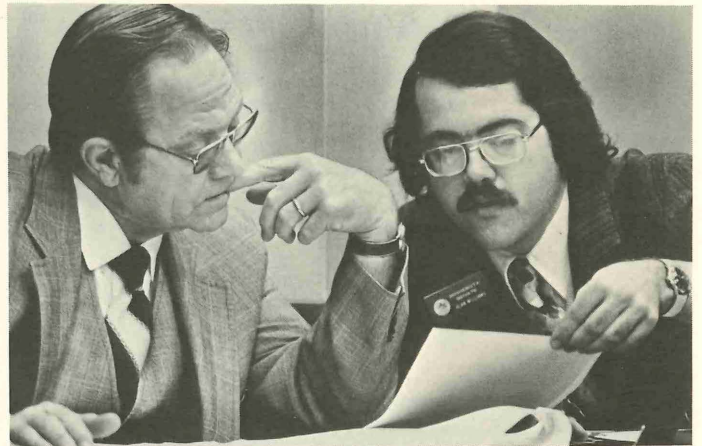
Finding out what other Senators and other people think about a proposed law is often a key step in the legislative process. Amendments can strengthen or soften certain provisions and make the bill acceptable to more people.

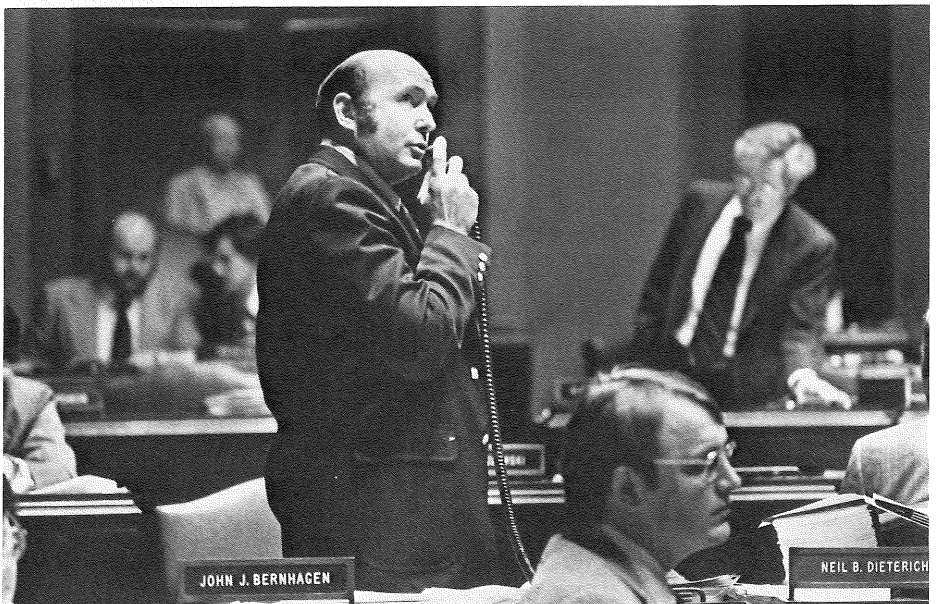
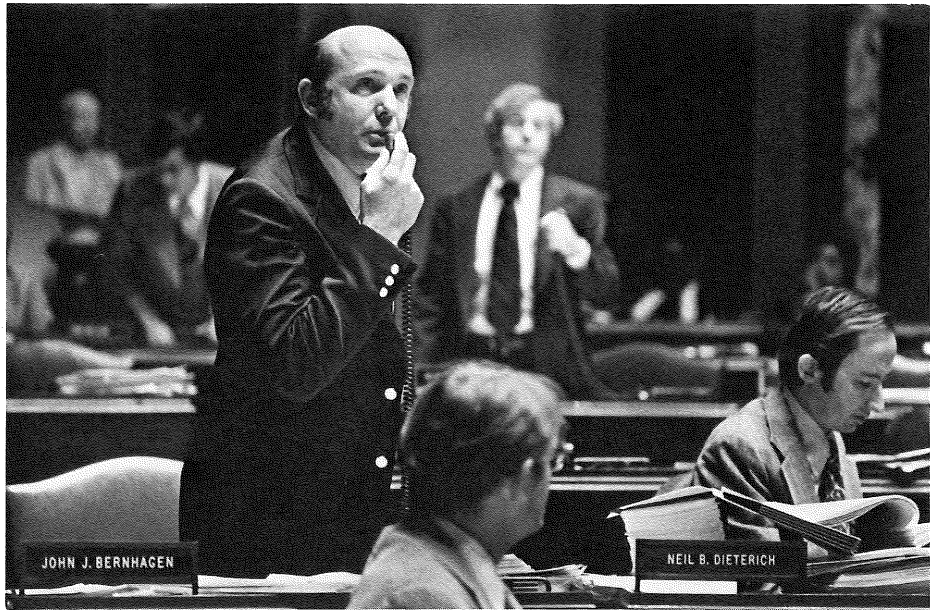
OPPOSITE PAGE: Sen. Emily Staples (left) and Sen. Jerome Gunderson (right) have a quick conference with Sen. Gerry Sikorski (back to camera) during committee meeting.

AT LEFT: Sen. Bob Lessard offers a comment to Sen. Steve Engler during Agriculture and Natural Resources Committee meeting.

BELOW: Sen. Roger Laufenberger confers with Alan Williams of the Senate Counsel staff about a proposed bill.

BOTTOM: Sen. Conrad Vega confers with witnesses outside committee hearing room before his bill was to be heard.



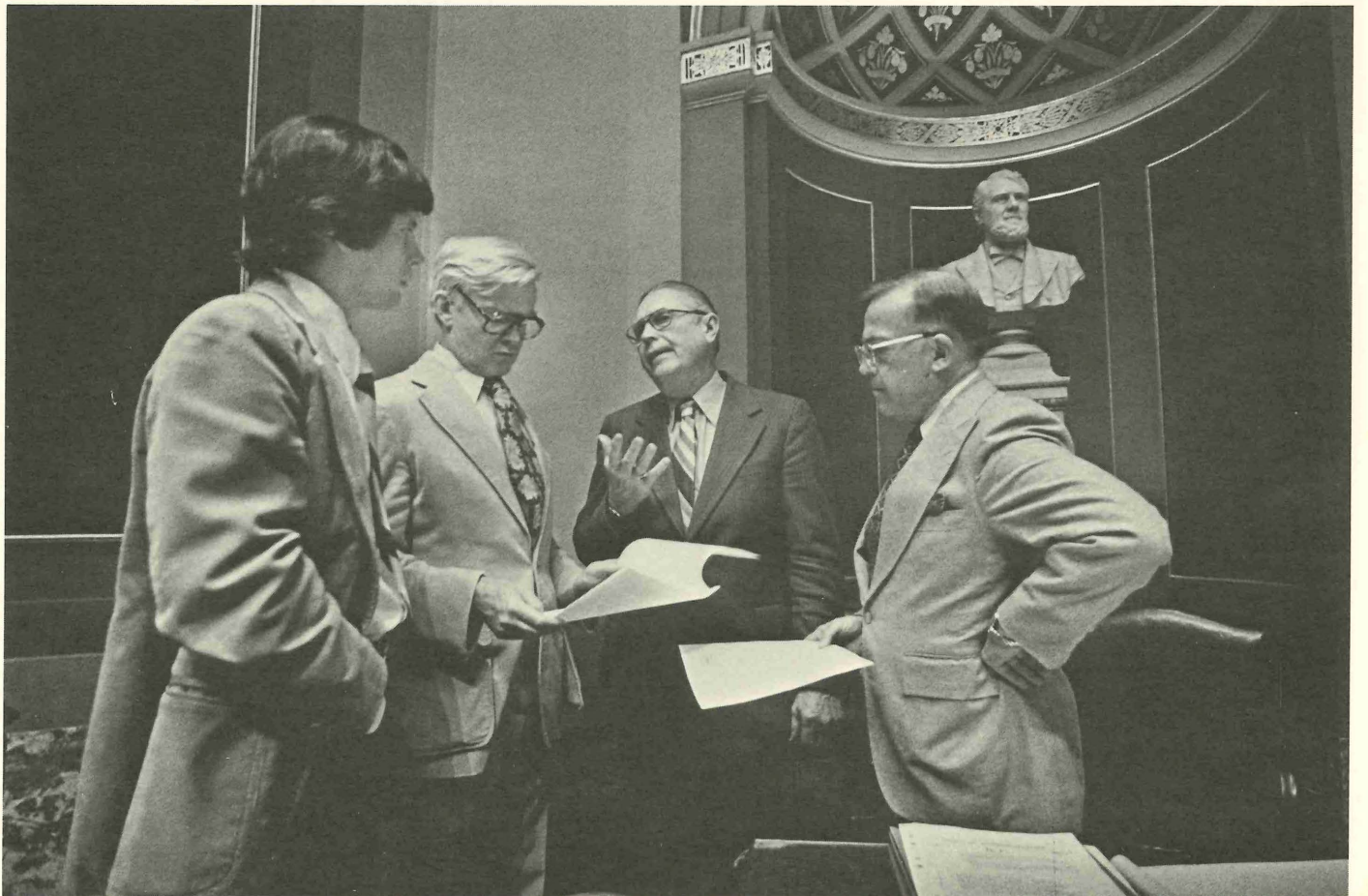
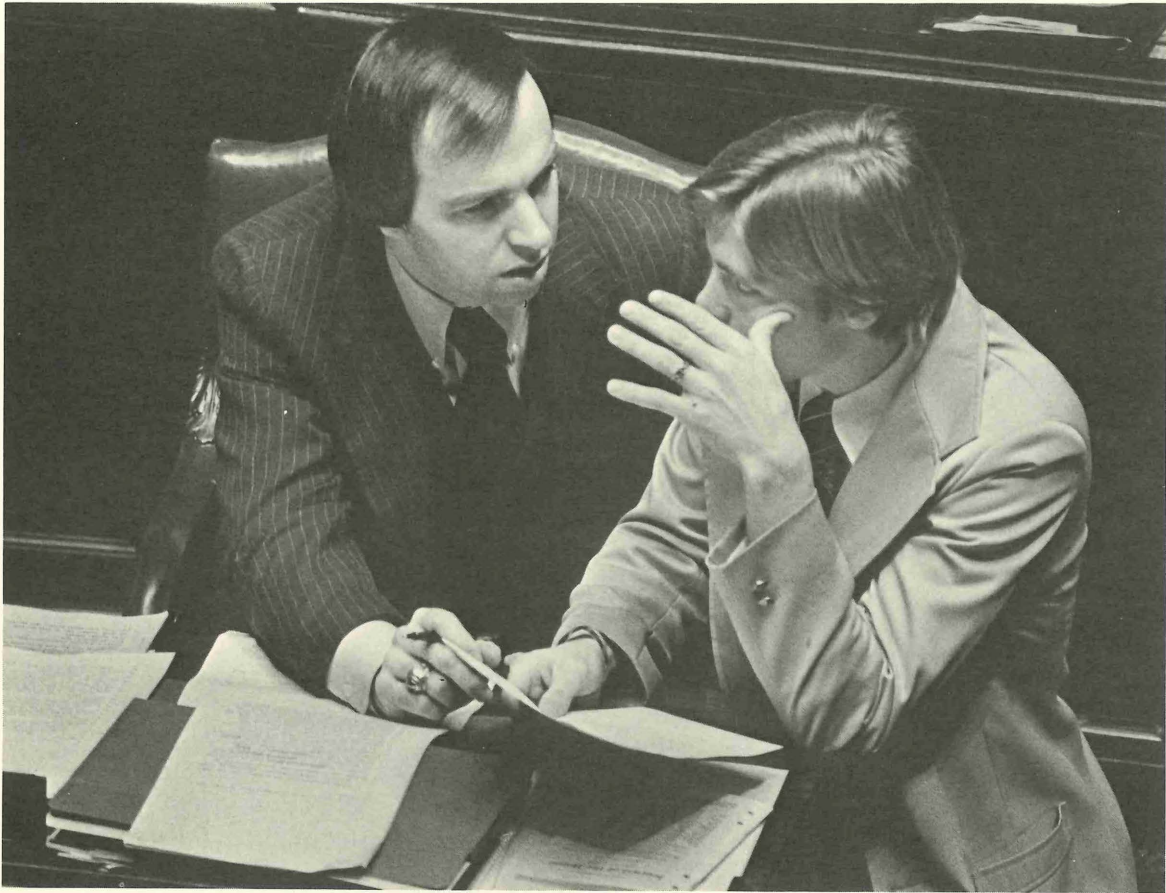


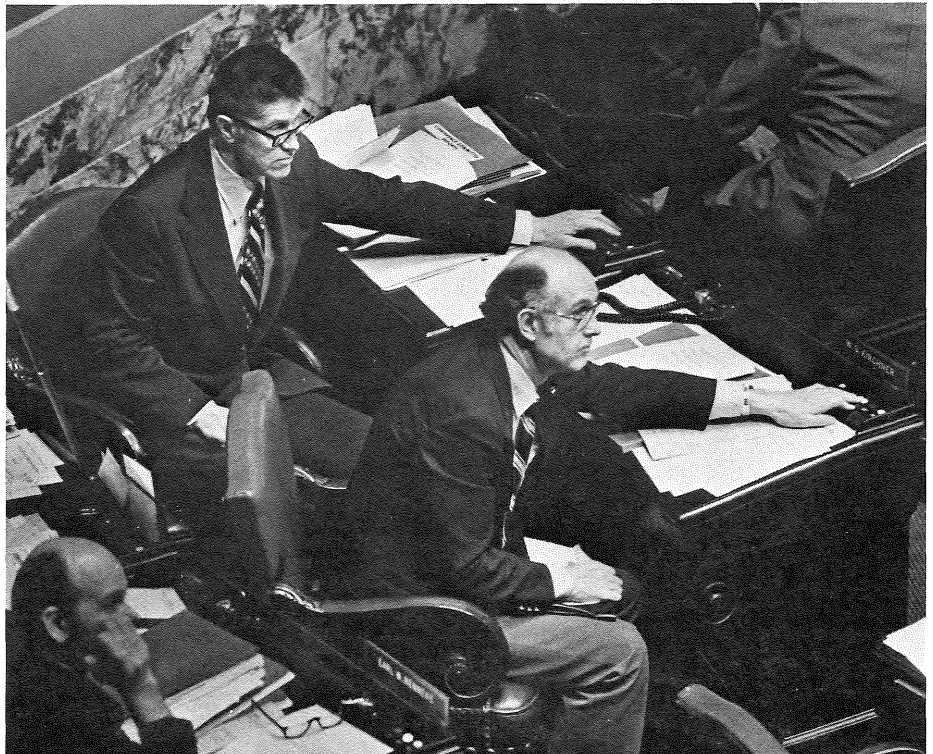
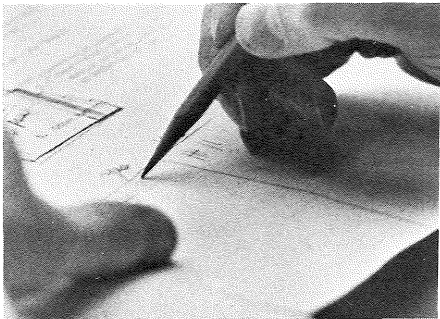
DEBATING

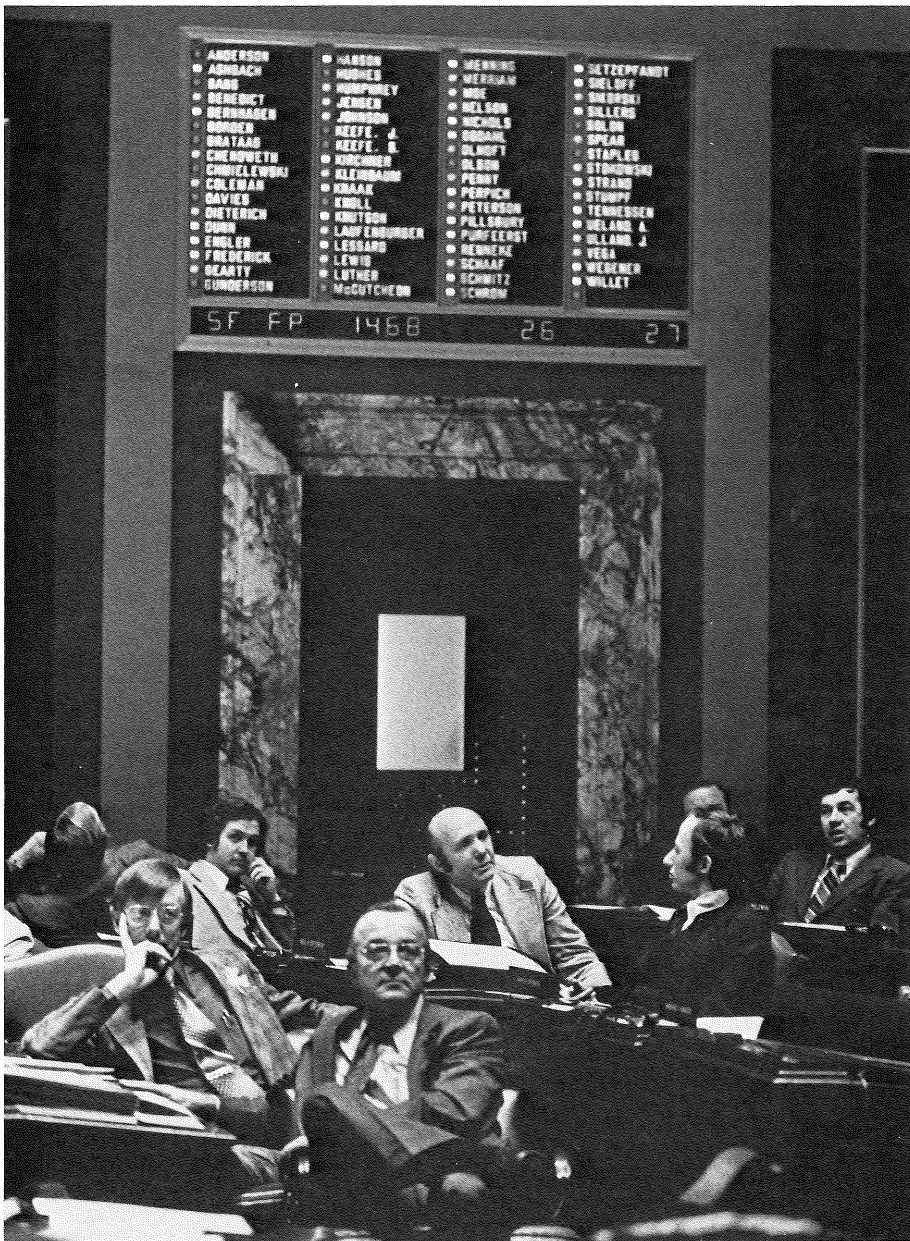
Debating, discussing, arguing, exchanging quips, comments, and opinions — whatever one calls it, the dialectical process is at work as legislation proceeds through the legislature. Usually the exchanges are friendly but on rare occasions tempers flare and debate grows heated.

AT RIGHT: Sen. John Bernhagen (top) requests Sen. Hubert H. Humphrey III to yield to a question concerning a bill Humphrey sponsored. Humphrey answers Bernhagen's inquiry (middle photo) and Bernhagen makes a final point (bottom).

OPPOSITE PAGE: Sen. Tim Penny gestures as he discusses an amendment with Sen. William Luther (top photo). Sen. Nicholas Coleman, Majority Leader, discusses a bill with several members of the Minority caucus. Coleman (center with paper) listens as Minority Leader Ashbach talks and gestures while Sen. James Ulland (left) and Sen. Harmon Ogdahl (right) listen and look on.







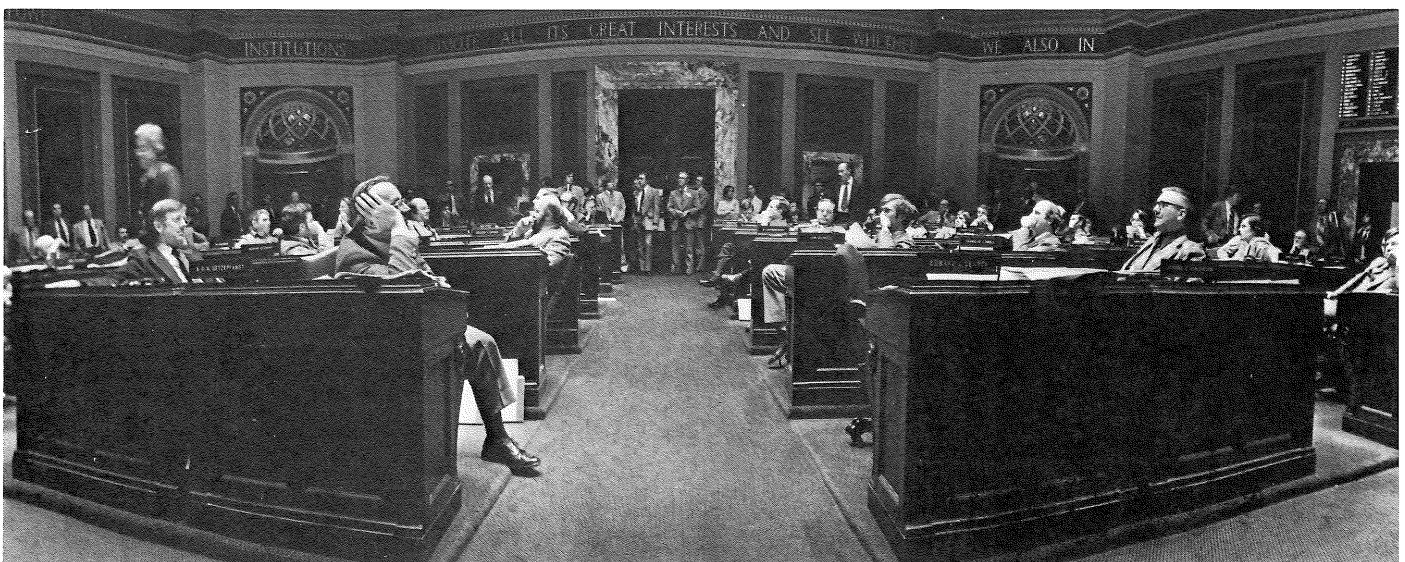
VOTING

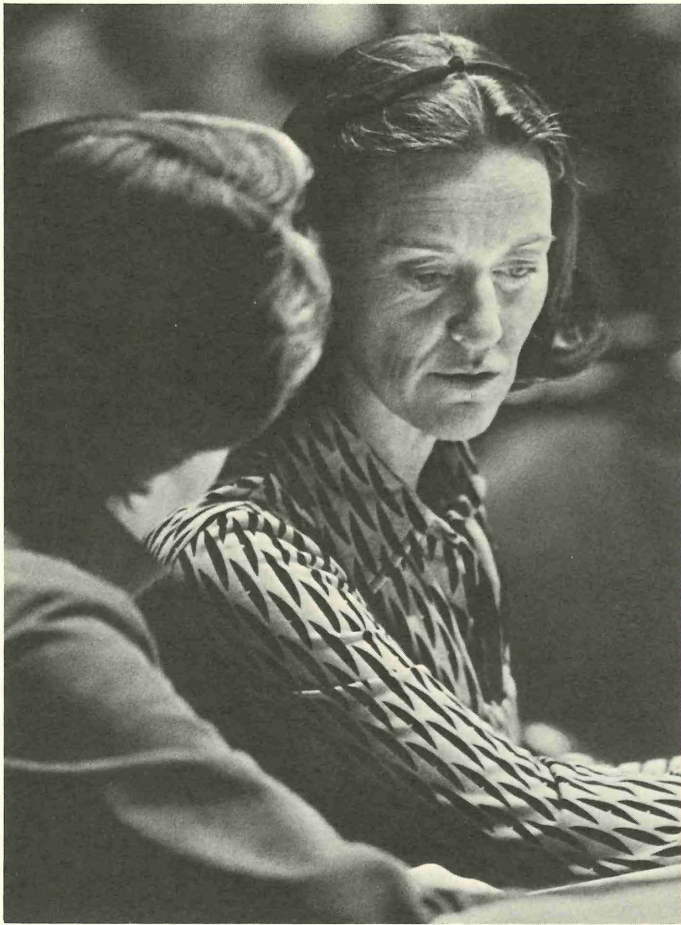
Voting — the moment of decision. The time when a legislator must weigh personal beliefs and political realities and make a private decision regarding public issues.

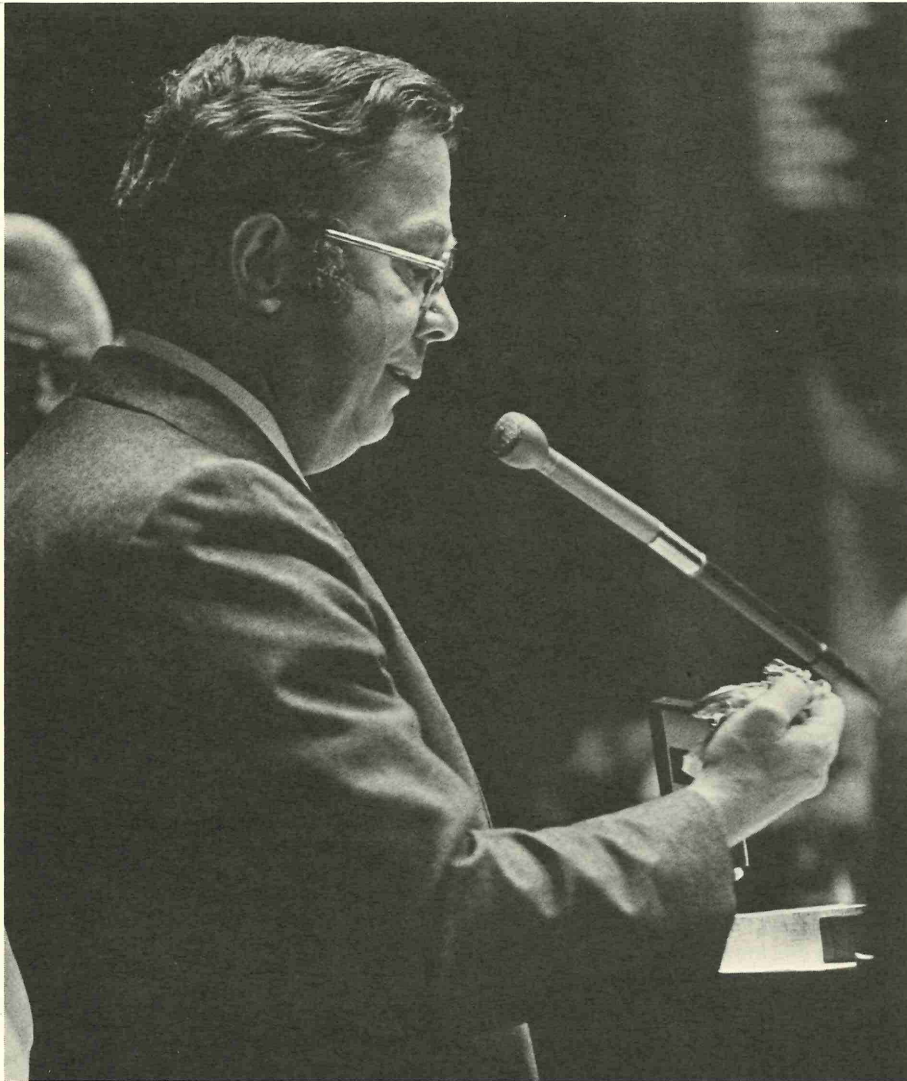
OPPOSITE PAGE: Rules Committee members raise hands for vote count (top photo). Senators Robert Dunn and William Kirchner reach for voting buttons on Senate floor (bottom photo). At far left — detail of committee member taking vote tally.

AT LEFT: Senators wait as board lights up with green lights for aye votes and red lights for nay votes.

BELOW: On a close vote Senators watch tally boards intently to see whether a measure will obtain the necessary votes for final passage.







THE FINAL HOURS

Regardless of efforts to smooth out work flows and avoid a bottleneck of legislation, there remains a seemingly inevitable last minute crunch. And so it was in 1978 with the last legislative day ending late in the morning hours.

OPPOSITE PAGE: Sen. Emily Staples talks with Sen. Nancy Brataas (back to camera) about the conference report on Staples' family planning bill (top left). Sen. Nicholas Coleman confers with House Speaker Martin Sabo after the House had already adjourned at about 2 a.m. March 24, 1978 (top right). And lobbyists, still concerned about certain bills, wait and talk outside the Senate chambers at approximately 1 a.m. (bottom photo).

AT LEFT: Senate President Edward Gearty looks over a gold watch given him by his fellow Senators in appreciation of his work as presiding officer.

BOTTOM: Their work completed and the session officially over, Senators gather around for cake and coffee in the Senate Retiring Room.



Opinion

Minority

Editor's note: Various Senators are occasionally asked to contribute opinion pieces on topics of their choice for this section. Sen. Robert Dunn (IR-Princeton), an assistant minority leader, chose to comment on the structure of the legislature's role in state government. Sen. Hubert Humphrey III (DFL-New Hope), on the other hand, chose to focus on the results of the '78 session by providing a review of major legislation.



by Senator Robert Dunn

The traditional motion to adjourn sine die which brought to a close the 70th session of the Minnesota Legislature, provides us an opportunity to look back upon the activities related to the second part of the session and to measure them against what might be accomplished under a different concept of the use of our time as a legislature.

In comparing the 1978 part of the session with that of '77 I think we can conclude that the fundamental difference is really one of scale. Since our even-year sessions began in 1974, much the same pattern has prevailed. During this recently adjourned session we probably were more aware of the problems involved in bringing a session to a prompt conclusion. Some of the mechanics we utilized improved, to at least a slight degree, our ability to control the length of our sessions. Nevertheless the fact is that the even-number year has tended to become merely an abbreviated and somewhat truncated version of the full odd-year session.

My basic premise is that we do not need to meet every year in a full scale session to deal with identical subject matter and cover the entire spectrum of legislative activity in an almost identical way. A full scale session also tends to create instability in both the private and government sectors by constantly writing new law or changing existing law and by requiring new rules and regulations by the administering agencies.

Furthermore, I think the Minnesota Legislature is failing to perform one of the important functions of a legislative body — that of oversight. This important function is one whereby the legislature looks at the performance of the executive agencies and subordinate units of state government to evaluate their performance in certain specific instances and to judge their overall effectiveness in meeting the responsibilities and obligations assigned to them. At the present time we are performing this function in a haphazard and piecemeal manner. As we consider individual pieces of legislation, we may, but only incidentally, evaluate the performance of the administering agency simultaneously.

Another sporadic and ineffective approach we have in the way of oversight comes about through the confirmation-of-appointment process in the Senate. Occasionally a board member or an agency head will undergo questioning but questioning which is usually done without adequate preparation or consideration by individual members of a committee. This just brushes the surface as a means of oversight and certainly doesn't constitute it to any degree of satisfaction. We could make the confirmation process much more valuable and meaningful.

The obvious importance of following up our delegation of authority, appropriation of funds, or assignment of responsibility to some element of government requires that a great deal more attention and priority be given this function by the legislature. A good argument could be made that it is almost as important as the initial assignment of the responsibility itself. State government is replete with examples of how the lack of legislative oversight has allowed the intent of the legislature to be thwarted time after time.

To accomplish better legislative oversight, during the even-year session, the committees which have the responsibilities to process legislation for various state agencies, departments, and subordinate units of government should spend much of their time reviewing the progress of these agencies. They should question the heads of the agencies and some of the subordinate administrators on how legislative directives have been followed and what use has been made of legislative appropriations. Any obstacles or problems which have arisen to prevent achieving legislatively assigned objectives can be considered. In-depth analysis of difficulties or obstacles being encountered in the administration of various programs would also help set the stage for corrective legislation in the ensuing off-numbered year's session. Legislative staff should be deeply involved in the monitoring process.

Another area in which I think we are all too often remiss is the in-depth and broad-spectrum analysis of governmental programs. We tend to focus, as has been noted by many legislative observers, too much on a bill-by-bill approach and spend too little time in really looking at the overall problem which we're seeking to address.

(continued on p. 20)

Majority

by **Senator Hubert H. Humphrey III**

Although the 1978 legislative session was one of the shortest in recent legislative history, it was also one of the most productive. Between January 17 and March 24 we were able to take action on a wide range of complex and controversial issues, as well as respond to a number of federal court decisions directly affecting our state.



The most publicized action of the 1978 session was our approval of a \$104 million tax relief package. That measure will provide meaningful new relief to individual taxpayers, families, retired Minnesotans and businesses.

The bulk of the new relief will be generated through a ten dollar increase in the dependent credits allowed on state income tax forms. Those credits, which were increased from \$21 per dependent to \$30 during the 1977 session, were further increased to \$40 by the 1978 legislature. Overall, this increased credit will reduce tax collections by \$42 million.

Another \$7 million in tax relief will be provided through the expansion of our innovative "Working Poor" income tax relief program. This session's expansion will enable that program to benefit an additional 100,000 low and moderate income households.

This session also saw the approval of a second innovative tax relief program which will provide a \$50 tax credit to families in which one spouse remains in the home to care for at least one child under the age of thirteen. This new "homemaker" credit will provide \$7 million in tax relief each year. Incidentally, the authors of this new credit say it may be the first of its kind in the nation.

Additional highlights of this session's tax bill include: \$5 million in new relief through an increase in the income tax exemption on public and private pension income; \$11 million in relief for business through the long awaited repeal of the Employers' Excise Tax; and a \$140 tax credit for National Guard members under the rank of captain.

The 1978 session also saw the approval of a sales tax exemption on home heating fuel purchases, which will reduce home heating bills by \$23 million each year. The new law exempts LP, propane and fuel oil purchases year round, while exempting electricity and natural gas during the November through April heating season.

Despite these tax relief efforts, we also managed to approve several important appropriations bills including a \$15.8 million school aids bill. That bill called for a \$5 per pupil increase in foundation aids (\$4.6 million in new aid); 3.8 million additional dollars for schools with declining enrollments; and an additional \$3 million for our special educational programs for the handicapped.

The school aids bill also guaranteed foundation aid increases of at least \$125 per pupil over the coming biennium.

In response to recent federal court action we also revamped our non-public school aids program, providing \$2.6 million in such aids.

This year's energy bill addressed itself specifically to home energy efficiency, insulation sales and solar energy conversions. That bill set standards for the quality and safety of insulation sold in Minnesota, mandated energy efficiency surveys and disclosure for Minnesota homes and provided tax incentives for conversion to alternative energy sources.

We also approved a variety of consumer protection measures including bills requiring that repair shops provide binding written estimates on major appliance, auto and home repairs (when requested by the customer); improving our retail price marking statutes; and mandating the inspection of food vending machines.

In the health and welfare area we expanded our children's nutritional supplement program; extended the senior citizens' dental care delivery program; and guaranteed treatment to correctional inmates who become mentally ill.

Our \$133 million building bill (\$13 million in appropriations and \$120 million in bonding authority) also will affect health care delivery since it was highlighted by an \$8.7 million appropriation for a new security hospital at St. Peter. The bill also provided \$52 million for construction at institutes of higher education and \$4.1 million for Vocational-Technical Institutes.

(continued on p. 20)

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Minority Liaisons
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Dunn - continued from p. 18

Governor Perpich in his State of the State address on January 5, 1977 pointed up the need for a more effective direction in the operation of the legislative process. He said:

"It is time for us to enter a new era in Minnesota state government.

"The time is coming when Governors and Legislators will no longer be judged on the number of their new proposals or their success in passing them.

"Instead the test will be our wisdom and skill in making present laws work for our people.

"There will continue to be a need for some new laws, and for refinement of the laws we have.

"But our highest priorities should be management, responsiveness, cooperation instead of competition — the best possible service at the lowest possible cost.

"We must pay as much attention to the quality of our stewardship as we do to the nobility of our purpose."

In order to free time for this kind of activity in the even-numbered year some changes would have to be made in current procedures. The first step would be that all bills remaining after the regular session would have to be considered as dead. Any essential legislation would have to be re-introduced in a new bill form, and would be referred immediately to the Rules Committees, where the chief author would have to make a case for its referral to one of the standing committees. This kind of action would have to be restricted to bills that were truly critical or of an emergency nature. A tough and restrictive set of guidelines should be developed for the Rules Committee in approving any such legislation.

The same thing would apply to the Finance Committee as to other committees and it would consider additional appropriations only under similar circumstances. In the off-year development of the capital budget, the Finance Committee would review a coordinated and integrated proposal which would come to it from a reconstituted version of the old Building Commission.

The Building Commission would prepare its recommendation immediately following the first part of the legislative session and would be responsible for all elements of the building program. This would be preferable to following the fragmented, departmentalized approach now being used by the various subcommittees of the Finance Committee. The Building Commission would be composed of members chosen from each of the Finance Subcommittees and each of the subcommittees would have an opportunity to review and modify the recommendations of the Building Commission as they pertained to their own areas of jurisdiction. The final decision would be made, of course, in the full Finance Committee. An identical process would be utilized in the House of Representatives and an equal number of House members would, of course, serve on the Building Commission during the interim preceding the capital budget's preparation.

A study should be undertaken this year by a joint Senate and House group to make a serious attempt at implementing this procedure in the 71st Session of the Legislature.

The role of the legislative branch in state government and the effective representation of the people's interests would be considerably enhanced by the use of this format. Continuity and a rational progression of legislative activity would be better accomplished by this approach than by perpetuating the marathon repeat performances of our regular sessions which we've been conducting each even-numbered year since 1974.

Perspectives

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Humphrey - continued from p. 19

There isn't space in this short column to discuss all of the more than 300 bills approved this session. For example, I have missed successful legislation prohibiting mandatory retirement before age 70, as well as bills establishing a State Small Business Division; allocating \$500,000 to the Crime Control Planning Board; mandating a system of fixed or determinate sentences for specific felonies (by 1980); and providing \$1.3 million for transportation services for the handicapped.

However, I believe the bills I have described here today give a solid indication that 1978 was a productive and responsive year for the state legislature. I sincerely believe the 1978 session was one that we can look back upon with pride and a deep sense of satisfaction with a job well done.