

Present:

Anderson, I.
Casserly, J.
Carlson, L.
Kostohryz, D.
Johnson, C.

Searle, R.
Knickerbocker, J.
Nelsen, B.
Anderson, B.
Carlson, D.

Irv Anderson chaired the meeting.

Searle presented I-R position paper on election contests. Agrees with the DFL that election contests should be addressed. Should have a vehicle. Should follow orderly procedure down through the House. Negotiable item as to what committee it should go to -- select committee or standing committee. Today feel out the whole area of election contests and see if this type of vehicle is the one you want to handle it- (Ex. A)

Irv: Our paper says the entire House handles the paper. I-R paper provides going to a standing committee and they make a determination and that matter would come to the House as a whole. How would special committee or standing committee get political. If research were done we would find that in some point in history the DFL vote for their man and I-R vote for their man. What is the best manner to handle it. Once it comes to the House the whole House would act upon the matter rather than the standing committee.

Searle: The reason you want to change from past action is from the political aspect that you would assume that should there be a real contest that someone would have to stand aside which then unbalances the structure of the House. I don't know what you base your paper on because it's very vague.

Irv: What assurance are you giving the people that the matter is going to come back to the House to be disposed of.

Searle: It will come to the Chief Clerk and then be disposed with. We can talk about it at some other time. We don't think it's very important at this time.

Casserly read from the statutes. "The vote upon the contest shall be vica voce. The Clerk or secretary shall enter the procedure in the Journal." All the language would suggest that the hearing is in the House and was wondering why it wouldn't be appropriate in the House.

Searle: In my tenure these have always gone to a committee. We're following the procedure set by history.

Irv: Are you also saying it would be a one vote advantage. Do you expect a one-vote advantage.

Searle: Your paper only says that it goes to the House. We're just debating.

Nelson: Aren't we pre-supposing that the court is going to come with very clear findings. Each caucus might interpret those findings differently. How are we going to have a mechanism on the floor to deal with that.

Irv: I think it's fair that we take this up very early.

Casserly: Everything has some merit. (Questioned No. 4) The House would follow the committee's final determination?

Searle: If one were found in great violation. If that man was not found in violation any more than the other one, how do we set up a mechanism to take care of it in an equal manner. It should be disposed of.

Casserly: The House would adopt the committee's recommendation?

Kostohryz: Would we be adopting the committee's report?

Searle: Yes.

L. Carlson: If the committee found something your position would be to accept the committee's findings -- then the House would accept the committee's findings.

Knickerbocker: Nos. 3 and 4 go together. How do you determine degree of guilt. Maybe the judge's decision will be such that there is no basis for blame, then the committee would take the findings and use it as a determination for the committee report.

Johnson: Could No. 4 -- could it say "ratify" or "reject". Does the House have to accept the committee's findings?

Casserly: Delete "regardless of" on line 1 of No. 3 and the words "those findings" on line 2 of No. 3.

Irv: I also find there is no real method or time restraint on the length of time the committee would have to act. No assurance on the part of the other members of the House that the matter would come back before them.

Searle: Should it go to a standing committee or to a select committee we agree with you we have to take the court's findings and go with that. Why don't you discuss it and come back with better language.

Knickerbocker: Over the last 20 years election contests were sent to committee. Standing committee or special committee on election contests.

Irv: Could consider an alternative method of using it. We will look at your paper and bring about revisions we think are necessary. We think an orderly process. Feel it is an urgent matter. We agreed at the last meeting that we would go through Tuesday's documents and see if there was any point that may call for further discussion. Let's skip committee organization and go on to Powers and Responsibilities of the Speaker.

Nelsen: What about conference committees.

Irv: We had proposed that conf. comm. would be composed of equal numbers of people. Could be a stalemate there. Doesn't want public opinion to come down hard on a conf. comm.

Searle: You aren't concerned with equal numbers on a subcommittee. Some subcommittees are the same size as conf. comm. We're so far we took your position. Whichever way it goes I will be satisfied.

Searle: Send all appointments to the Rules Committee rather than the Speaker.

Irv: In the 1973 session the Senate used their committee on committees. Towards the end of the session there is sometimes an urgency to create conf. committees.

Searle: Give powers as long as the 2 caucus leaders agree to it. Would have to have some consistency somewhere along the line.

Casserly: A little bit along the line of assignment of bills. Somewhat the system for the appointment of conference committees. Would want chief author of the bill. If chief author were I-R then I would be DFL and I would be IR.

Searle: Would be other consideration. Where the chief author did not wish to pursue authorship his party would have to retain handling the bill.

Casserly: That happens occasionally. Some person lets his bill be used as a vehicle for other legislation.

Searle: We can give it some thought.

Irv: Do you still feel strongly about even number on conference committees?

Searle: Maybe we could do something along the line of Casserly's suggestion.

Irv: If you were to go to the Rules Committee, how would you decide that.

Searle: Could have a subcommittee of Rules (evenly divided).

Casserly: It won't be very often that the 2 caucus leaders won't be able to agree.

Irv: If we could use the same vehicle on bill reference. Let the speaker make the determination and if there's objection, then we would go to Rules Committee.

Searle: Allow speaker to make the appointment and if there's objection then the assignment would go to Rules Committee. They have to be written motions where the speaker would speak with the floor leader or majority leader. Some thought before hand. I don't think its going to be a big hangup. Let's think about Jim's approach to it. That might be a possible solution.

Casserly: Why not have co-speakers.

Burdick: The statutes say that the House shall elect a speaker.

Searle: You can only have one person legally sign documents, warrants, etc.

Irv: What would happen if we accepted your position as set forth in your paper of Dec. 12 on conference committees.

Searle: We wouldn't fall over in a dead faint.

Casserly: It isn't unusual in business to go back to 2 signers of documents, etc.

Irv: Back to conference committees. (page 5, J, Dec. 12 paper IR)

Irv: Maybe we should go to a regularly-scheduled meeting for the Rules Committee. The only problem I had was how to go about cancelling a meeting of Rules Committee.

Searle: Just put a notice on the door.

Irv: How about a regular schedule and a 24-hour notice for a meeting.

Searle: Some kind of language.

Carlson, L: 24 hour notice unless a shorter time agreed on by the 2 caucus leaders.

Searle: We're trying to make it flexible enough.

Irv: 12 hours might be better.

Knickerbocker: After the first deadline for committee action?

Irv: You might want a rules committee meeting early in the session.

Searle: Rules Committee should be ~~the most~~ important enough to have a time of its own.

Irv: Regularly scheduled or upon the call of either caucus leader?

Searle: I think there's going to have to be trust but we can go back to the theory that only the 2 caucus leaders could cancel it.

Johnson: Making a mistake throwing in the hours. The Rules Committee ought to meet at 7:00 A.M.

L. Carlson: Set a time for Rules Committee. Any additional meetings upon the agreement of the 2 caucus leaders. Would eliminate concerns about trust between the 2 sides.

Irv: Regularly scheduled meeting with the right of either caucus leader to call a Rules Meeting at a time when there is no regularly scheduled standing committee or subcommittee meeting. Caucus leader ought to have the power to call a meeting when it does not conflict with a regular standing committee or subcommittee meeting. If the members of the Rules Committee do not have a conflict then they could call a meeting of the Rules Committee.

Knickerbocker: "the Rules Committee Chairman and opposing caucus leader"

Searle: We withdraw from our original position on the contract to go to the end of the session. Agree there has to be some kind of legal vehicle.

L. Carlson: We could deal with the interim in a separate statement.

Irv: We should think of other possibilities.

Johnson: Things will get done. I think when we set up the committee schedules we ought to think seriously of slotting a time for the Rules Committee. 7:00 every day.

Searle: Times when Irv or Searle have to be away from the Capitol.

Johnson: Slot in for 7 A.M.

Nelsen: Let's think about it and present a paper on schedule of Rules Committee.

Casserly: Reference of bills. (p. 5a) after "the speaker" add "with the consent of the caucus leaders". Groping around for a solution.

Searle: Members of Rules committee. 26 (IR) and 18 (DFL)

Irv: Let's split the difference (22). A smaller committee will get more done. Equal number from each caucus.

AGREED -- 22 members on the Rules Committee with an equal number from each caucus.

AGREED -- Rules Committee chairman or the opposing caucus leader shall have the power to place an item on the agenda. (write language).

FLOOR LEADER

Searle: Floor leader alternates weekly and then daily at the end of the session.

Irv: How long are we going to work on a given day. Willing to let the floor leader make the decision.

Searle: Pressure could come better from 2 floor leaders. Amount of work isn't all that great. Doesn't take long to move that we adjourn or make announcements. Follow agenda from the Chief Clerk's desk.

Anderson: 2 floor leaders could get together.

Searle: Each caucus would be better served by its own leader.

Irv: Ought to consider one specific person as the floor leader.

Knickerbocker: What kind of authority does the floor leader have.

Irv: Motion to Adjourn. Motion to recess would be made by either one depending on who would want to recess. Motion that committee arise.

Searle: What about late in the session. In 1971 often times come off committee of the whole into debate on partisan issues where the floor leader could have some influence.

Irv: When you're split 67-67, you don't have an advantage. Make sure your people are on the floor.

I-R will discuss.

COMMITTEE STRUCTURE

Searle: Would you consider, in obtaining an organizational majority, that it would have to be done in a manner that the vote that would tip it would have to come from someone who is a member of the part for at least 2 years preceding that?

Knickerbocker: An organizational majority would be achieved by the issuance of a new election certificate.

Searle: About the switching of parties. A person, if there has to be a switch, it should be done by the will of the people and not by a defector (such as in the Sherwood case).

Irv: I haven't thought about that possibility.

Searle: We have done a lot of thinking.

D. Carlson: Staffing -- What do you see in the way of staffing if there should be a 68-66 majority. It would be a disaster for the employees.

Searle: You would be disturbing the orderly procedure of the Legislature.

D. Carlson: Clerks, AA's, all of the rest of the staff. At some point, you may have to tell some people 'we can't use them'.

Casserly: What people are so politically sensitive that you feel you can't use them?

D. Carlson: Committee clerks, AA's, House Finance, Chief Clerk's Office, House Information.

Irv: The number of changes that would come about would be minimal. The question of staff isn't important. The question of organization is important. If one side receives a majority their responsibility is to the other.

D. Carlson: I wouldn't want to be an employee caught in this position.

Irv: I haven't thought too much about if someone wanted to make a switch.

COMMITTEE STRUCTURE:

Irv: Who's going to chair what? Most difficult question we have.

Searle: It's a tough question because it involves everyone in the House. Asking for you to come in and say if we can't agree, then where can we make compromises.

Irv: At the next meeting should we try to throw together another paper or just try to sit down and work it out.

Knickerbocker: Other than a few differences on either side, there's nothing more to talk about that what side gets which committees. How can we balance 3 pictures.

D. Carlson: Have you moved from your position of 12 chairmanships and Speakership?

Irv: No.

D. Carlson: We haven't moved from our parity.

Searle: Maybe what the 2 sides should do is try and figure out some mechanism to break

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the impasse. Where do we start to put the whole picture together--Speaker, Rules Committee and Committee System. We're willing to reevaluate and see if we can come up with any vehicle.

Knickerbocker: Importance of seniority system. How important is that to the kind of committees that you have.

Irv: Everyone has a certain amount of pride. Very difficult for a person to say "I will give up my committee".

Searle: We don't have that problem.

Knickerbocker: Maybe some accommodations that you might be able to make within your caucus.

Irv: There is a lot of prestige in a vice chairmanship if we structure the committee system properly. There may be an inch difference between the two. Why should the guy who has been up there have to come back down an inch. Whoever is selected as a chairman or vice chairman or chairman of a subcommittee is proud of the chairmanship.

Searle: If you're going from 22 to 52, the answer is NO. If you're going to use the subcommittee system as we resolved it the other day. You have said that the chairman shall select the subcommittee chairman ("We'll buy that").

Irv: I would like to see us determine the number to accommodate both caucuses to have an equal number of chairmanship regardless whether it's standing or subcommittee chairmanships.

Searle: There might be some special subject matter that comes up and you might have to create some additional subcommittees.

Irv: List of possible names for subcommittees. 2 and 3 subcommittees. Area of concern subcommittees might have. You could decide whether the agriculture committee would have looked at the jurisdiction of standing committees and came up with possibilities of subcommittees (28 chairmanships on each side without regard to weight).

B. Anderson: We never had names of subcommittees.

D. Carlson: You can't put a subcommittee chairmanship on par with standing committee chairmanships. Trying to be accommodating without personalities. Shouldn't tell a chairman what subcommittees he has to live with.

COPY FOR ROD SEARLE OF SUBCOMMITTEES AND COMMITTEES.

Irv: More worried about a smooth flowing session. Under the previous speaker, he created the committees and appointed the members.

Searle: Each caucus will determine the chairman and members. Can you come in with paper tomorrow?

Irv: No paper. Will meet on Friday, Dec. 15, 1978 at 10:30 A.M. Will react to your document on subcommittee matters.