

NEGOTIATING SESSION NO. 11, Dec. 18, 1978, 8:00 P.M., Room 15, State Capitol

Rep. Irv Anderson chaired the meeting.

PRESENT:

I. Anderson
J. Casserly
H. Sieben
C. Johnson
D. Kostohryz

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

Searle: Questioned the agenda.

Sieben: Both meetings I have attended I brought up that this is going to get more and more political as time goes on. Feels it is much easier to write the rules early.

Searle: Have you read the document? (on election contests)
You have been judge and jury already. #3 in the DFL paper. As far as we're concerned that is a secondary consideration. That should come after the House is put together and operating. The rest of us have been sitting around here trying to get something accomplished. All of a sudden all you want to talk about is election contests. That's not the way to solve problems before being sworn in.

Sieben: All of these issues should be decided promptly. Some of these issues are more political than others. Election contests are going to be the most political of any of the issues.

Carlson: You want us to solve a problem in the judicial branch. How about naming the committee chairmen. Just deciding who the chairmen are going to be. The court system is taking care of this problem?

Irv: How do you see this to work.

Carlson: The legislature shall be the final and determining factor. I'm voting NO on this thing here.

Searle: We came to talk about committee structure and subcommittees.

Casserly: The committee structure will fall into place. We are still talking about basic problems in election contests. I think that this still requires some discussion because I think it will fall in place with some discussion.

Searle: It would be so easy to talk about what we came here to discuss.

Sieben: What are your hard points. Sounds like you want the Speakership and the Tax Committee.

Searle: We feel we have to have 1/2 of the committees.

Irv: Was that your proposal you had last Friday. We have consistently thought the negotiations for the 28,000 people in one legislative district where there was an election contest brought. We want to assure those people that they have had the democratic right. Don't think having an office available is very important.

Searle: As of this date, those 28,000 people have elected a man. We're concerned about the rest of the 133,000 people.

Irv: There's a blight on one of the elections. We have to provide an orderly vehicle by which that is heard.

Carlson: There's not a vehicle already in the statutes?

Irv: Vehicle provided in MS 209.10. House shall hear the contest.

Searle: You want to set up a kangaroo court in the House. You don't want to send it to committee.

Irv: We only want to provide a vehicle where all members can hear the evidence. Some of the members have been reluctant to vote because they have not heard all the evidence on the floor of the House. In the past some people have refused to vote on the contest because they did not hear all the evidence on the floor of the House and were not a member of the committee. Rod Searle was the one who refused to vote because he did not hear all the evidence in committee.

Carlson: Statute is clear as to what it says. Person being involved is going to have to step aside.

Irv: In all good conscience is the assignment of an office organization. Is the assignment of an office that important. All you want to speak about is space, secretaries and staff. We didn't have offices when I came here.

Carlson: Now you're not even worried about Appropriations. Let's talk about committees.

Searle: We'll take your paper and come back with it.

Irv: We want the issue to come properly before the House.

Knickerbocker: We wanted it to come to a standing committee or select committee and then bring it to the floor of the House. At that point we're all still in agreement. We're not looking at a way to try and bury something in committee. The real concern that's been asked for is the question "_____". What happens if the judge says it's not material. Are you going to try to take that and twist it around. Are you going to try and use that to get an organizational majority. It has to be defined more clearly.

L. Carlson: Your proposal was that the House shall take the committee's recommendation

Casserly: We deleted the phrase "we shall accept the findings". It seems to me that you can re-word the issue.

Searle: Nothing more political as an election contest and this year where it could tip the balance one way or another. If Jerry and Tex can work out some language on this.

Irv: This provides a better vehicle than a committee. We / ^{would} not agree to anything more than a committee hearing and an automatic report back to the floor.

D. Carlson: This is no different than any piece of legislation.

B. Anderson: No witnesses or counsel on the House floor?

Irv: Right. They can be there but they can't speak.

Sieben: Moved that Knickerbocker and Casserly work out some language on this document and that it would be the first order of business for the next meeting.

Searle: Can assume that the 2 of them should get together.

Casserly: Sieben has a suggestion that may be worked out into language.

Searle: Fine with me.

Irv: First order of business tomorrow?

Searle: I think so. We'll agree on the agenda and stick by it.

Irv: You may object to the way the question is stated. How would you state it? You have to state the question in the manner it's put.

Carlson: Read 209.10. You're trying to block that person from having a fair committee hearing.

Sieben: First you look to the constitution and then to the law and then to custom but first you should look to what is right and fair. Your reading the statute didn't have anything to do with what we're talking about.

Casserly: Read the motion from the 1973 contest. The motion made here is the same as written in the DFL paper. The statute reads as though the hearing is on the House floor. Strange language in the statute if the intent is to send it to comm.

Irv: They haven't used the same set procedure in the past.

Knickerbocker: That's why it's very important that the rules we adopt make it very fair.

B. Anderson: Who offers the motion. The Speaker. The Secretary of State?

Sieben: If the timing is off I don't think we should be unorganizaed. We're contemplating that the Speaker will be in the chair and, if not, the Secretary of State.

Searle: Let the boys work it out.

Irv: Any other questions for the benefit of the boys. Time Schedule? Is that reasonable? 5 days on page 2 and 3 days on page 6.

Searle: Agrees on 5 days.

Irv: Any other questions. Proceed onto structure of the House. You will recall that last Thurs. we had indicated interest to know some of your hard points.

Friday's statement that you were ready to come forth with a strong proposal. We have been anxiously awaiting it all weekend.

Knickerbocker: Then have you had some opportunity to discuss among yourselves about a concrete proposal?

Irv: You folks said you were in a position on Friday of last week to bargain and perhaps you would like to indicate exactly where you're coming from.

Searle: Are you ready to accept. Are you in a position to react or respond.

Irv: We're in a position to react.

Searle: Can we straighten something out. You told your caucus one thing.....

Irv: Structure. We would designate the number of subcommittees on a given standing committee. The chairman with the advice and consent of the caucus leader who the chairman would be. We might have to have some subcommittee chairmen of the opposing political caucus as chairmen of the subcommittees.

Searle: You wanted to elevate the positions of subcommittee chairmen. If we take all of the standing committees and divisions (22) and more or less agree on the number of subcommittees (Gov. Op. and Local and Urban (4)) we would not think it fair for the DFL to have 14 standing committees and the IR have 7 standing.

Irv: We would try to have the standing committees split as reasonable as possible.

Sieben: Take into consideration the weight we gave some of these committees.

Searle: We wanted to be sure where you stood on subcommittees.

Irv: Any other questions?

Searle; No.

Irv: Right now I see 12-10.

Searle: Why don't you believe in 11-11.

Irv: If that's the basis of your offer, get it out on the table and let's look at it.

Nelsen: Are you proposing that we negotiate not only the standing committees but the subcommittees also.

Irv: Why not.

Searle: You would take those committees 12 or whatever and the subcommittees that go with them and we take the 9 and the subcommittees.

Irv: We would like to have the 12 and you 10. Get your proposal out so we can tell where you're coming from. You might end up with more subcommittees than the DFL. If you have a proposal, lay it out on the table.

Searle: We have one if you're willing to split the committees down the middle. Each would have 30 or whatever. Depends on which side gets Gov. Op or whatever. You keep on wanting to change the name of the game.

Searle: We're going to offer that we will give you (when we get around to it) first pick of any committee you want. Then the IR will pick 2 and the DFL will pick 2 and so on all the way down the line. We'll lay it on the table.

Irv: Does the speakership relate to the committees.

Searle: We're offering you the solution to 1/3 of the problem here tonight. If you want to bargain in good faith. Take 10 minutes of caucus to decide what we want.

Sieben: I don't think you can say I don't want to negotiate in good faith but why not put the speakership in it too.

Searle: Speakership is something entirely different. We're offering different. We're offering you right now to settle the committee problem. If you don't want to do it I don't know where we'll go from there. Do you want to do it or don't you want to do it. Take it or leave it. We don't think the speakership or the Rules Committee is a part of this offer. We think this is a way of getting off dead center.

Knickerbocker: We have to have a way of balancing out the committees.

Searle: Rules Committee is not a standing committee.

Knickerbocker: Rules Committee has to be a balancing power.

One of the problems I have observed is that we're dealing with a list of 22 committees plus speakership and rules. Many possibilities trying to trade back and forth. Nobody owns anything at this point. Committees are all in limbo at this point. Some chance to exercise priorities.

Cassery: Today I see a one-legged milk stool. It's hard to deal with just one of those legs.

Carlson,D: We spend how many sessions working on the duties of the speaker and rules committee. We realize they are very important. You have an opportunity to break a large impasse in the organization.

Sieben: I propose we throw the speakership in there also for choosing.

Searle: Until you get something you don't have anything to break the impasse. We're giving you the opportunity to say 'let's get that resolved'.

Johnson: We were closer than this before when we had our own little sheets we were handing out. We could start from something and work better. I don't think this is the way you go at it. Let's recess a little bit and work at it.

Irv: You made some statement that this is 1/3. What is the 2/3.

Searle: Speaker and Rules.

Irv: 1/3 committee, 1/3 speaker and 1/3 rules committee. Other questions such as subcommittee structure. Would you offer us first choice on speaker and rules Committee also.

Searle: You can't share the Speaker. Our proposal was that you can take first choice of committees and we would take 2 and 3.

Irv: The other day you said "piece-meal".

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Searle: The day you said Appropriations Comm. We're giving you a bona fide offer tonight.

Irv: You don't consider the Rules Committee important.

Sieben: If this is such a good way, why don't we put all the power including the Speaker and Rules Comm. in this.

Searle: You're in a hard spot. Let's address ourselves to the committees.

Johnson: We're not talking about.... We don't know if they're going to be balanced or not.

Irv: One vote margin or not.

Searle: That can be negotiated. We would like to divide the committees in an equitable manner and then we could respond.

Irv: You don't think we're going at this piecemeal?

Searle: No, I don't think so.

Nelsen: All that hasn't been determined is our point is that rules is chaired by the party opposite the speaker, and you prefer co-chairs.

Kostohryz: How do you plan on solving the speakership.

Nelsen: One side could say we'll give 3 committees for the speakership.

D. Carlson: We have to divide these equally. How can you sit there and say that you're going to take 12 standing committees and us getting 10 standing committees.

Irv: You said you didn't understand my proposal. I think you understood my proposal.

Nelsen: What we didn't understand is this sudden turn around as far as chairmen of one caucus and subcommittee chairmen of another caucus.

D. Carlson: To weight it out becomes a problem.

Searle: If we get through this tomorrow we could wrap this up this week. We have been asking on how to break impasses. This is the first bone fide attempt to take care of the committee structure in toto. The only other offer was Mr. Anderson's offer on Approp. Comm.

Recess 9:20

10:00 -- Meeting called to order.

Irv: The DFL will make the following proposal based on the following criteria. The IR proposal we are rejecting. Felt that IR dealt with proposal in piecemeal fashion.

DFL -- Counterproposal

Irv: The DFL will make the following proposal. We are rejecting the IR proposal.

1. Committee members to be split evenly on standing committees and subcommittees.
2. Chairmanship and vice chairmanship will be of the same caucus.
3. There would be 2 subcommittees per committee with provision that you could go to the Rules Committee for more subcommittees.
4. Subcommittee chairmen of the same party as the chairman.
5. Write a rule into existing agreement that a majority vote on committee would put a bill on the agenda.
6. Willing to concede that the floor leader would be of the opposite political faith of the Speaker.
7. Duration of the agreement. When either side produces a 68 vote, they must assume the responsibility of organizing the House (not necessary to reorganize).
8. DFL Speaker
9. Will agree that there will be a position known as Speaker Pro Tem (I-R).
10. Committee Structure:

DFL	I-R
1. Appropriations Div. of Semi-State Div. of State Depts.	1. Div. of Health, Welfare & Corr. (Approp.) Div. of Education (Approp.)
2. Education Div. of State Aids	2. Agriculture
3. Env. & Natural Resources	3. Criminal Justice
4. Financial Inst. & Ins.	4. Comm., Econ. Dev. & Housing
5. Genl. Legis. & Vets. Affairs	5. Division of Higher Education
6. Governmental Operations	6. Energy and Utilities
7. Health & Welfare	7. Judiciary

DFL

I-R

- | | |
|-------------------------------|-------------------|
| 8. Labor/Management Relations | 8. Transportation |
| 9. Local & Urban Affairs | 9. Taxes |
| 10. Rules & Legis. Admin. | |

11. DFL position on election contests would be upheld.

Searle: Your counteroffer is patently unfair. Agrees that the speakership is the most political. We'll continue to put on the table what we gave you an hour ago. We will concede on the even number of members on every committee. Let's let the Speaker be elected on the opening day. Rules Committee chairman should be chaired by the caucus opposite the Speaker. You want your position on election contests. You still haven't gotten the message that you're no longer the majority chairman around here. We would reject, out of hand, your 11 point program you responded with to our proposal.

Irv: If you are going to charge us with up-handedness then we'll charge you with the same.

Searle: We take the speakership out of negotiations and say we'll vote on the first day of the session. Read Joan Growe's letter (Joan intends to be present on Jan. 3 -- She believes a majority of the House members present may elect a Speaker and will preside until a speaker is elected.) All either side needs is a majority.

Irv: What we are trying to do is resolve the differences between the two sides. What we'll do is vote and vote and vote. Our hard position is speakership.

B. Anderson: A hard position with you is the speakership. It's not hard with us. We played flip-flop on this before.

Searle: Supposing someone takes a walk and doesn't show up. What if somebody doesn't show up.

Irv: The person who receives the majority organizes the House.

D. Carlson: Is this a fair document you're offering us. You want 13-10 -- you want speakership and you want Rules.

Irv: We're here to negotiate in good faith. If you have something to say, you're recognized.

D. Carlson: If you make the statement that we are going to try and block this thing on the first day. We gave you first choice on the committees.

Searle: You weren't ready to take what you call a fair split on the committees.

Sieben: It's ridiculous to sit here and negotiate without the speakership.

B. Anderson: The best way is to rotate selection of the committees. It's the only fair way.

Johnson: Do you like this any better than anything else we have offered. Have you kept track of what we have offered. Do you only count. Do you go by committee names. What would you like to change on this sheet then.

B. Anderson: Put IR where DFL is.

Johnson: Let's talk about moving things.

Searle: Why can't you come up with one where you give us the first choice?

Johnson: The difference is that we think there still should be a speaker. Everyone of our proposals has referred to a speaker. What is it you like on our side here. Don't you want to do business our way or what is wrong here.

Nelsen: We will start trading here on committees one on one.

Irv: We asked you last Thursday to give us some indication where you would move and where you wouldn't move.

Searle: You wanted to talk about elections today.

Johnson: Point No. 6 and 9 give you (under our plan) the Speaker Pro Tem and floor leader. Don't you like that.

Searle: No. The Speaker Pro Tem acts in the chair when the speaker is absent.

Johnson: How do you weight Taxes then.

Searle: Same as Education, Gov. Op. Split it down the middle. We are not going to play the game of speaker and rules committee and 13 to 10 on committees.

Irv: Isn't it only a matter of interpretation.

Sieben: Would you throw all the pieces in a pile including the speaker and the Rules Committee.

Cassery: Why are we wasting time determining who should have what committees. No one has ever discussed doing committees without doing the total picture.

Irv: We're trying to find out what you want.

Searle: We want the same number of committees.

Irv: Irv read a piece that the House will not be organized (Senator Aschbach).

D. Carlson: He's been seeing and hearing what you are proposing and we couldn't live with your proposal.

Irv: What are we going to do.

Nelsen: Election of speaker. We're not endorsing that as an absolute way to go. We want equal number of committees. Our hard line is equity.

Irv: What we're offering you is 22 committee chairmanship. If you feel you have a majority then go ahead and organize.

Searle: We have been going on the assumption that there's a tie. Put all the pices in the hat and give us first choice and we'll go from that.

Irv: We're not moving from the spot of Speaker.

Searle: We're not moving from it either.

Irv: Shall we take a couple of days' breather. Maybe a little time might make us reflect. Come back and maybe settle the matter. Maybe take a week off and come back after Christmas. Maybe you know something I don't know.

B. Anderson: We have laid everything on the table.

Irv: If you have the vote then tell us.

B. Anderson: Both sides claiming speaker.

Searle: We weren't talking speaker tonight only committees. I would guarantee you if you had taken first choice tonight, on our proposal everything would have fallen in place. Agenda for next meeting?

Irv: Agenda before us.

Searle: Negotiate everything together?

Irv: Have to negotiate everything together.

Searle: 11-11 committees all the way.

Irv: You gave us forst shot at the Tax Committee. How do you propose to resolve the questions of speaker and rules committee.

Searle: You have decided the strength to come to the Speaker. Someone will give us "X" number of committees for the Speakership.

Irv: You want us to buy the Speakership.

B. Anderson: You're buying it.

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Irv: You didn't say that we had to buy the speakership with X number of committees.

Searle: You're stalling.

Johnson: If that's the way it's going to go. Why go through the auction. Let's use any other list.

Searle: Just to show you how fair we are tonight we'll pick first for the committees. After we get the committees we resolve the other things. We'll come in with a full-blown plan tomorrow.

Irv: We want to know everything.

Searle: OK we're coming back tomorrow with a proposal.

Irv: Let's wait a couple of day. Let's wait until Friday.

Searle: Dentist appt. on Friday. You don't want to hear our proposal tomorrow?

Irv: Thursday?

Searle: If you don't want to accept it tomorrow.

Irv: Is it going to be worth coming back for?

Searle: What do you propose for an agenda? Continuation of tonights list. Meet late Wed. morning.

Irv: 2:00 P.M. Thursday afternoon.