

STATE OF MINNESOTA

SENATE

SPECIAL COMMITTEE ON ETHICAL CONDUCT

REPORT

In the Matter of the Complaint of Senator Nicholas D. Coleman
and Senator Robert O. Ashbach dated March 25, 1975

MARCH 3, 1976

To the Members of the Senate:

The Special Committee on Ethical Conduct has met and considered a complaint submitted by Senators Nicholas D. Coleman and Robert O. Ashbach regarding allegations of improper soliciation of campaign money by employees of the Senate made in an article published in the Minneapolis Tribune on March 25, 1975. The committee held three meetings at which it took sworn testimony from the following persons:

Steven Dornfeld, Reporter for the Minneapolis Tribune

Patrick E. Flahaven, Secretary of the Senate

George G. Goodwin, Minority Secretary of the Senate

Eugene P. Daly, Senate Personnel Officer

Rosemary Goff, Administrative Assistant to the Committee on
Local Government

Mark Andrew, Administrative Assistant to the Committee on
Natural Resources and Agriculture

Lucy Johnson, Legislative Assistant to the Committee on
Labor and Commerce

Kelvin Johnson, Administrative Assistant to Senator Borden

Michael Ahern,, Administrative Assistant to the Committee on
Health, Welfare and Corrections

John Kaul, Administrative Assistant to Senator Coleman

Jonathan Thomson,, Administrative Assistant to Senator Ashbach

Shirley Cardwell, Secretary to Senator Coleman

Romayne Houle, Secretary to Senator Ashbach

Shirley Traxler, Secretary to Senator Knutson

The committee also held one public meeting at which it received comments and recommendations from the following additional persons:

Senator Robert Brown, Chairman, Minnesota Republican Party

Senator George Pillsbury, Chairman, Republican Party Finance Commit

Senator Charles Berg

Judy Healey, Joint Religious Legislative Committee

Tape recordings and minutes of all proceedings are available to the public through the Legislative Reference Library and the Secretary of the Senate as provided in Senate Rule 65. Transcripts of tape recordings will be prepared and furnished to any person at his own expense

Having completed the taking of testimony, and following further deliberations, the committee submits to the Senate the following findings and recommendations.

1. Findings. .

- a. The conduct described in the article did in fact occur.
- b. The activity was undertaken voluntarily by the employees involved.
- c. The employees were open, forthright, and cooperative with the committee in its investigations.
- d. The Senate had adopted no policy, and the Senate employees concerned had been given no rules, guidance, or advice, on what kind of political activity, including solicitation of campaign money, is proper for Senate employees.
- e. The language of Minnesota Statutes, Section 43.28, does not give clear direction.

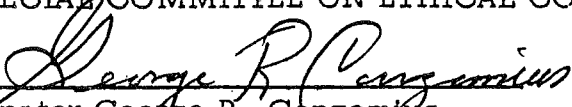
2. Recommendations.

- a. The Senate should develop a policy and adopt rules of conduct governing solicitation of campaign money by Senators and Senate employees.
- b. The Secretary of the Senate, under the direction of the Committee on Rules and Administration, should furnish a copy of the rules to each Senator and Senate employee, and should conduct whatever orientation and training sessions as are necessary to insure that all are aware of the existence and meaning of the rules.
- c. Minnesota Statutes, Section 43.28, should be amended to give clear direction.

To assist the Senate in developing a policy on political activity by Senate employees, the committee offers the attached Proposed Rules Governing Solicitation of Campaign Money by Senators and Senate Employees. A proposed bill amending section 43.28 is also attached.

Respectfully submitted,

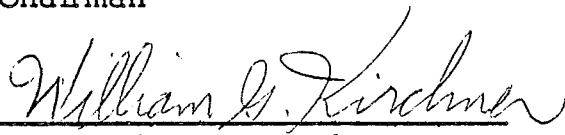
SPECIAL COMMITTEE ON ETHICAL CONDUCT



Senator George R. Conzemius
Chairman



Senator William McCutcheon



Senator William G. Kirchner



* Senator Howard A. Knutson

*Senator Knutson did not participate in the committee's preliminary inquiry,
but he did assist in developing its final recommendations.

PROPOSED RULES GOVERNING SOLICITATION OF CAMPAIGN MONEY BY
SENATORS AND SENATE EMPLOYEES

1. No Senate caucus should conduct an organized effort to solicit campaign money while the Legislature is in regular session.
2. No employee in Senate Research should engage in partisan political activity at any time.
3. No Senate employee shall solicit campaign money at any time by any means during his scheduled working hours, and at no time shall solicit from or within the Capitol Complex except as provided for in number 4.
4. A secretary or administrative assistant normally assigned to work under the immediate supervision of an individual Senator may assist with the functions of a clerical nature in connection with the solicitation of campaign money. Other Senate employees shall be neither required nor requested to assist with the solicitation or receipt of campaign money.
5. Administrative assistants to the majority leader and minority leader may participate in political activities that require the exercise of political judgment.

1 A bill for an act

2 relating to state employees; clarifying
3 restrictions on political activities;
4 amending Minnesota Statutes 1974,
5 Section 43.28.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. Minnesota Statutes 1974, Section 43.28 is amended to read:

8 43.28 [POLITICAL ACTIVITIES PROHIBITED.] No officer, agent,
9 clerk, or employee of this state, other than a member of the legislature,
10 shall, directly or indirectly, during his hours of employment solicit or
11 receive ~~funds,~~ money for any political purpose or for any political party
12 or affiliate thereof. No officer, agent, clerk, or employee of this state
13 shall, directly or indirectly, ~~or~~ at any time use his authority or official
14 influence to compel any officer or employee in the classified service to
15 apply for membership in or become a member of any organization, or to pay
16 or promise to pay any assessment, subscription, or contribution, or to take
17 part in any political activity. Any person who violates any provision of this
18 section shall be guilty of a misdemeanor, and shall be punished accordingly,
19 and if any officer or employee in the classified service is found guilty of
20 violating any provision of this section, he is automatically separated from
21 the service.

22 Except as herein provided any officer or employee in the state classified
23 service shall:

24 (1) Take leave of absence upon assuming an elected federal or state
25 public office, including elected state legislative office;

26 (2) Take leave of absence upon assuming any elected public office other
27 than enumerated in clause (1), if, in the opinion of the commissioner of personnel,
28 the holding of such office conflicts with his regular state employment;

29 (3) Upon his request, be granted leave of absence upon becoming a
30 candidate, or during the course of such candidacy, for any elected public office;

1 (4) Take leave of absence upon becoming a candidate, or during the course
2 of candidacy, for any elected public office if, in the opinion of the commissioner
3 of personnel, such candidacy conflicts with his regular state employment.

4 All requests for opinions of the commissioner of personnel, and opinions
5 from the commissioner under the provisions of clauses (2) and (4) shall be in written
6 form and shall be delivered by registered mail.

7 The commissioner of personnel shall issue an opinion under the
8 provisions of clauses (2) and (4) within seven calendar days of receipt of
9 the request.

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