

M I N U T E S
SERVICE COMMITTEE

July 15, 1982

The meeting of the Service Committee of the Legislative Council was called to order at 10:15 a.m., Thursday, July 15, 1982 in Committee Room 22 of the State House, Des Moines. Committee members present were:

Speaker Delwyn Stromer, Chairperson
Senator Gary L. Baugher
Senator C. W. Hutchins
Senator John S. Murray
Representative John H. Connors
Representative Ingwer L. Hansen

Other persons present for the meeting were:

Mr. William P. Angrick II, Citizens' Aide
Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Dave Bailey, Legislative Service Bureau
Ms. Diane Bolender, Legislative Service Bureau

Also present were a number of Iowa legislative staff persons, news media representatives, and other interested individuals.

Chairperson Stromer called for comments from Mr. Angrick concerning a proposed partisan political activities policy for the Office of Citizens' Aide/Ombudsman. A copy of the proposed policy is attached and by this reference made a part of these minutes. Mr. Angrick commented that the proposed policy was developed after discussion with his staff members and all of the employees have approved the proposed policy as submitted to the Service Committee. Mr. Angrick commented that he and his staff also reviewed the language in the Hatch Act and the Rules of the Merit Employee Commission. He commented that his proposed policy lists six permissible activities, which include all kinds of participation in nonpartisan activities and nonpartisan elections, and 18 prohibited activities.

Senator Baugher noted that the fifth prohibited activity includes actively participating in a fund-raising activity and asked whether receiving a free ticket and attending a fund-raising event would be included under a prohibited activity. Mr. Angrick responded that the attendance would be a judgment call and he would anticipate that he would talk with an employee about the interrelationship between the fifth and the sixth prohibited activities. He commented that if the employee is not actively promoting a partisan candidate or issue, it might be reasonable that the employee could attend.

Chairperson Stromer asked about the difference between the ninth prohibited activity which is endorsing or opposing a candidate for public office and merely attending a fund-raising event. Senator Murray responded that endorsing or opposing a candidate goes

further than merely attending a fund-raising activity. He asked whether the rules prohibit purchasing a ticket to a fund-raising activity if the purchaser's name is not listed in any report. Mr. Angrick responded that there was no consensus among his staff with regard to whether such an activity should be prohibited or permissible.

Representative Hansen pointed out that the proposed policy distributed by the Legislative Service and Legislative Fiscal Bureaus, which will be discussed later in the meeting, prohibits attendance at a fund-raising activity for a partisan candidate or a partisan political party but allows attendance at functions at which the public at-large is invited. He suggested that the proposed policy of the Citizens' Aide be amended to include language from the proposed policy of the Legislative Service Bureau and Legislative Fiscal Bureau. Mr. Angrick responded that he would feel comfortable adding the language.

As the Committee continued to discuss the attendance of employees of the Office of Citizens' Aide at fund-raising functions, Chairperson Stromer noted that the words "or mere attendance" could be added after the word "promoting," under the fifth prohibited activity. Mr. Angrick discussed the importance of his employees not giving an appearance of partisanship and not compromising the integrity of the office. Senator Hutchins commented that it is not possible to write a policy to fit every situation that may occur. Mr. Angrick agreed, commenting that it is the responsibility of every staff member to find out the purpose of any political gathering and then make a judgment as to whether it is advisable to attend.

Representative Connors stated that he sees nothing wrong with mere attendance at a fund-raising event if the employee is accompanying a spouse or other friends and if the attendance is made possible by the gift of the ticket. He agreed that the employee should not actively participate in the activities, but must use common sense.

Representative Connors commented that the fourteenth prohibited activity includes contributing money for partisan political purposes unless the contribution will remain confidential or remains nonreportable pursuant to the Iowa Campaign Finance Disclosure Law. He asked about the requirements for reporting to the Campaign Finance Disclosure Commission. Mr. Bailey responded that the amount contributed to a candidate that must be reported depends upon the particular office for which the individual is a candidate, but the candidate is required to keep a list of those contributing \$10 or more even though the lesser amounts are not required to be reported. He commented that a political committee handling more than \$250 must report. Mr. Bailey also commented that although the Campaign Finance Disclosure Commission can look at a candidate's records, these records are not public records, but there is no guarantee of confidentiality. Mr. Bailey concluded that a political party candidate may report all contributions, even

though the contributions are below the amount required by law to be reported. Representative Connors suggested that the fourteenth prohibited activity should be changed and all contributions should be prohibited since they may be reported. Mr. Angrick indicated that he had not anticipated the problems that were brought up at the meeting. Senator Murray added if an individual is present at a gathering in which a "hat is passed" or some other anonymous means is used for collecting contributions, an employee would be able to contribute cash because that contribution would remain confidential. Representative Connors moved that the fourteenth prohibited activity be amended by striking the words "or remains nonreportable pursuant to the Iowa Campaign Finance Disclosure Law". Representative Hansen seconded the motion, and it carried.

Representative Connors asked whether, under the fourth listed permissible activity, an employee of the Office of Citizens' Aide can make statements. Mr. Angrick responded in the affirmative, commenting that the employee cannot speak about elected partisan officials and must be careful not to align himself or herself with a party or partisan elected official.

The Committee returned to discussion of the fifth prohibited activity and whether the language allows an employee to attend a fund-raising activity. Senator Murray commented that attendance at a fund-raising activity provides an image of acceptance of that candidate whether or not the attendee has purchased a ticket. Senator Murray moved that the fifth prohibited activity be amended to add the words "or attending". Chairperson Stromer suggested that the Committee temporarily postpone a decision on adding the language until consideration has been given to the proposed policy for partisan political activities presented by the Legislative Service Bureau and the Legislative Fiscal Bureau. A copy of the proposed policy is attached and by this reference made a part of these minutes.

Mr. Garrison briefly reviewed the proposed policy with Committee members and stated that he feels strongly that an employee of the Legislative Service Bureau should not attend a fund-raising activity because the appearance of nonpartisanship is important. Mr. Garrison expressed the belief that he strongly favors his employees educating themselves about the beliefs of the various candidates, but not by attending partisan political activities.

With regard to the statement that the policies established do not apply to the spouses or children of employees of the Legislative Service and Fiscal Bureaus, Senator Baugher asked about a situation in which a spouse would install yard signs for a partisan candidate. Mr. Garrison responded that it might be necessary for an employee to install signs of his or her own that the views stated on the yard signs for the partisan candidate are not the views of the employee of the Legislative Service Bureau. He also stated that the Bureau employee could call the opponent of the person who is being endorsed and inform that person that the signs have been placed by the employee's spouse.

Chairperson Stromer suggested that the sixth allowable political function of the Legislative Service and Fiscal Bureaus relating to attendance at political meetings at which the public at-large is invited be substituted for the sixth permissible activity in the proposed policy of the Citizens' Aide Office. Mr. Angrick stated that the language in his proposed policy is language used in the Hatch Act which has a great deal of history behind it. Chairperson Stromer asked whether Mr. Angrick has any objection to adding language contained in the sixth allowable political function for employees of the Legislative Service Bureau to the permissible activities of the Citizens' Aide Office. Mr. Angrick responded in the negative.

Representative Connors expressed the belief that he does not see any difference in attendance at a fund-raising activity and attendance at a political convention or a function at which the public at-large is invited. Chairperson Stromer commented that the grievance procedure is available for employees who believe that policies of their office are not just.

Representative Hansen moved that the proposed policies of the Legislative Service and Fiscal Bureaus be accepted as presented to the Committee. Senator Murray seconded the motion. Representative Connors moved that the second activity listed under the definition of participation in partisan politics be amended to strike the words "or attending" fund-raising activities. Senator Hutchins seconded the amendment. Senator Murray expressed opposition to the proposed amendment, commenting that he believes there is a problem in attending fund-raising functions. The motion to amend lost on a tie vote with Senators Baugher and Hutchins and Representative Connors voting in the affirmative and Chairperson Stromer, Senator Murray, and Representative Hansen voting in the negative.

Representative Connors moved that the proposed policy be amended by striking the fifth activity under allowable political functions, which is attending political conventions or functions to which the public at-large is invited. The motion died for lack of a second.

Representative Connors asked whether the language in the sixth allowable political function which reads "Attend any political meeting such as where political candidates or political figures are attending..." includes the singular. Mr. Garrison said it was his intention to include the singular. He moved to amend the section to add the words "More than one political candidate or more than one political figure." Representative Connors withdrew that motion. The motion to approve the policy for participation in partisan political activities by employees of the Legislative Service and Fiscal Bureaus carried.

The Committee returned to discussion of the proposed policy for the employees of the Citizens' Aide. Representative Connors moved that the sixth permissible activity be stricken and the fifth and sixth allowable political functions from the policy of the Legislative Service and Fiscal Bureaus be inserted in lieu thereof.

The motion was seconded by Senator Murray and carried. Senator Murray moved that the word "attending," be inserted after the word "promoting," in the fifth prohibited activity. Representative Hansen seconded the motion, and it carried.

Representative Connors moved that the proposed policy on partisan political activity for the Office of Citizens' Aide be approved as amended. Senator Hutchins seconded the motion, and it carried.

Mr. Angrick commented that Mr. Ray Cornell was invited by the Iowa Corrections Association to serve on a legislative committee to propose legislative changes. He stated that he believes that it is appropriate for Mr. Cornell to provide his expertise on prisons in this state when called upon. He commented that he and Mr. Cornell had discussed his participation on the committee and suggested that he become an ex officio member of the committee, not voting on policy but participating in discussion of the issues. Chairperson Stromer agreed that Mr. Cornell has an insight that few individuals have and agrees with Mr. Angrick's comments.

Representative Connors asked Mr. Cornell, who was present for this portion of the meeting, whether he has any reservations or sees any adverse circumstances resulting from Mr. Cornell's membership on the committee. Mr. Cornell responded that the only issue in which he sees possible problems is that the Iowa Corrections Association has advocated the establishment of a separate Department of Corrections and Mr. Cornell has his own opinions on that issue. Senator Baugher interjected that the establishment of a Department of Corrections is not and has not been a partisan issue. Senator Baugher expressed the belief that Mr. Cornell's opinions would have a value to the Iowa Corrections Association. Senator Baugher stated that he believes it is up to Mr. Angrick whether Mr. Cornell is able to serve. Mr. Angrick responded that as long as Mr. Cornell's participation is ex officio, it is appropriate.

Representative Connors moved that the Citizens' Aide be authorized to begin a search for employment of an Assistant Citizens' Aide/Ombudsman at pay grade 24 to replace Mr. G. K. Renegar who has submitted his resignation. The motion carried.

The Committee adjourned at 12:00 noon.

Respectfully submitted,

DIANE BOLENDER
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