

THE PUBLIC COMMISSION ON THE OREGON LEGISLATURE
FACILITIES COMMITTEE

December 15, 2005
9:00 A.M.

Hearing Room A
Tapes 5 - 7

MEMBERS PRESENT: Carl Wilson, Chair
Bridget Burns
Mark Garber
Gary Wilhelms

MEMBER EXCUSED: Rep. Wayne Krieger
Sheriff Raul Ramirez

STAFF PRESENT: Marjorie Taylor, Committee Administrator
Kellie Whiting, Committee Assistant

PROPOSALS/ISSUES HEARD:

- Tour of the State Capitol to Review Infrastructure and Security Issues – Field Trip
- Committee Discussion about Building Tour – Informational Meeting
- Opportunity for Public Comment on Facilities Committee Issues
- Committee Discussion on the Following Proposal: Proposal # 008
- Committee Discussion and Possible Action on the Following Proposals: #120, 147, 136 – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
<u>TAPE 5, A</u>		
002	Chair Wilson	Calls the meeting to order at 9:02 a.m. Recognizes that Sheriff Ramirez and Rep. Krieger are not present. Directs the committee to Herb Colomb and Dave Henderson and recesses for a tour of the State Capitol.
<u>TOUR OF THE STATE CAPITOL TO REVIEW INFRASTRUCTURE AND SECURITY ISSUES – FIELD TRIP</u>		
010	Chair Wilson	Brings the committee back to order and asks Herb Colomb to provide an overview of the tour.
<u>COMMITTEE DISCUSSION ABOUT BUILDING TOUR – INFORMATIONAL MEETING</u>		
116	Herb Colomb	Manager, Facilities Services. Provides an overview of the building tour, including the items in need of repair. Touches on the needs of the mechanical structures that serve the entire building, the Governor's office and the legislator offices.

- 035 Dave Henderson Legislative Administrator, Legislative Administration. Expresses appreciation to the committee for allowing the opportunity to address the needs of the Capitol Building. States that there was previous funding approved for the renovation of the wings, which are in serious need due to health and safety concerns, but unfortunately the funding is no longer available. States it is critical that they proceed with the project because of electrical, plumbing, and safety concerns.
- 048 Chair Wilson Inquires about the changes that have occurred in the use of the wings that would necessitate a hard look at renovation.
- 053 Henderson Responds that the largest change that has taken place is the nature of the modern office environment in terms of technology and heavy electrical demands within the office. Asserts the electrical wiring in the past did not anticipate the type of loads that are dealt with today.
- 063 Colomb Responds the installations that took place in the 1970's do not work the same as they do now, and the wiring was not designed to facilitate a modern office environment.
- 076 Garber Reflects on the tour, and comments on the out-dated carpet and the crowded office space. Asks how much is allocated from the operating budget to address regular maintenance.
- 086 Colomb Responds that there is a budget for emergencies and routine maintenance, however the major renovation is beyond their capability.
- 094 Henderson Provides an example of how carpet in need of repair has been purchased in the past. Explains that parts of the carpet were purchased in one biennium, then was stored until the next biennium when it was affordable to install. Adds that the budget allows for routine repairs, but not to proactively address the issues.
- 101 Garber Inquires if it makes sense to explore an annual appropriation for the needs of the Capitol, beyond routine repairs.
- 111 Henderson Talks about the maintenance schedule for needed repairs.
- 117 Chair Wilson Expresses he was surprised about the age of the phone system, heat plant, electrical, heating and fan systems. Asks the panel to address the cost requirements for updating the wings and the main building.
- 143 Henderson Responds that prior to the 2001 session, a plan to address the renovations needed in the wings, as well as the hearing rooms and the galleria was put together. Adds that the funding was approved through certificates of participation (COP) during the 2001 session to proceed. Notes that the cost broke down to about \$1.3 million for the hearing rooms, and an additional \$11-12 million for the wings. Comments the project would be in two stages. States that hearing rooms A-F have been renovated and are ready to support temporary office spaces for the offices in the wings, when the project for the wings is ready to proceed. States prior to the 2003 session, the budget estimates for the wings changed to \$16 million, all of which would be funded through the issuance of COPs, which could be paid off over a ten-year period after the project is conducted. States the decision was made by leadership to not proceed with the wings renovation due to the low revenue forecasts and the soft economy. Notes the estimate of \$16 million is two years old. Explains that an architectural and engineering study was

conducted to determine what needed to be done in the wings and notes it only needs to be reviewed and brought up to current building codes. States that the estimates for the old portion of the old building do not include the earthquake recommendations made after the 1993 earthquake.

- 204 Chair Wilson Inquires if the difficulties faced with the physical plant of the Oregon State Capitol are the same as other state capitols, in terms of out-of-date construction.
- 212 Henderson Responds he suspects that other states have even greater costs for renovations, given that Oregon is one of the three newest Capitols. Explains that there are several regional examples to review for current earthquake renovations.
- 224 Garber Inquires if using COPs is the typical way to undergo this type of project and does it stretch out the fiscal impact.
- 231 Henderson Concurs. Provides examples of other state governments that use COPs for projects of this nature. Adds that some of the funds collected by tenants of the Capitol can also be used to pay down the COPs.
- 244 Chair Wilson Expresses appreciation to the panel. Closes the informational meeting and opens a public hearing.

OPPORTUNITY FOR PUBLIC COMMENT ON FACILITIES COMMITTEE ISSUES

- 253 Chair Wilson Closes the public hearing and opens a committee discussion on proposal # 008 (*paperless floor sessions*).

COMMITTEE DISCUSSION ON PROPOSAL # 008

- 259 Judy Hall Secretary of the Senate. Speaks about the role of the Secretary of the Senate's office. Explains that the office is primarily responsible for the publishing and distribution of most legislative papers during session. Talks about what is distributed on the Senate floor during session. Comments that there have been conversations with Senate leadership about ways to make the current system more efficient, economic and keeping with the protocol and dignity of the chamber. Indicates that their proposed vision of a paperless session would be some type of built- in laptop/or console, that is private and not for the use of e-mail or internet. Asserts there should not be any more distractions on the Senate floor. Describes a type of console used in the Illinois Legislature. Explains that the system allows legislators to have access to pertinent legislative information on the floor.
- 351 Wilhelms Asks for clarification on the term private.
- 357 Hall Answers that the information will be made public, but not through the member's system. States the Senate would like to increase public access to the process.
- 382 Wilhelms Asks if there is any other state that uses a console, rather than a laptop computer.
- 388 Hall Answers that she is unsure, but Florida may.
- 392 Wilhelms States he is not in support of using laptops on the floor. Suggests that using a console-type system, in which members can receive pertinent information, but restricts and prohibits certain uses, makes some sense.

Shares that seeing a demonstration of that type of console would be useful.

TAPE 6, A

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| 002 | Chair Wilson | Concurs with Mr. Wilhelms about not supporting the use of laptops on the floor. Reiterates the items on the agenda and explains the proposal being discussed. Talks about the large amount of paperwork that accumulates on a member's desk and speaks about finding methods of communication that cuts down on the amount of paperwork. Asks Ramona Kenady to address the communication structure between legislators, lobby, and the public during a floor session and committee hearing, and to describe the current systems that prohibit direct communication between a legislator and someone outside the chamber during session. |
| 025 | Ramona Kenady | Chief Clerk, Oregon House of Representatives. Explains the House Rule preventing lobbyists from having access to the side aisles or floor of the House, limiting the direct communication during deliberations. States the procedure for communication is to send a note through a receptionist located outside and in the front of the chamber, it is then delivered to the member by a floor page, and then it is up to the member to respond and meet the party outside of the chamber. Clarifies that there are limitations for the use of electronic devices, including cell phones, in which detract or deter from the deliberations of the House. Clarifies that laptops on the floor cannot detract from the deliberations of the House and cannot be directly connected to the network. Concurs with Mr. Wilhelms and Chair Wilson about their views on the use of laptops on the floor. Indicates that there are advantages of having wireless capabilities in the Capitol. Believes wireless is a viable option to the building, however rules may be needed to limit use during deliberations. Suggests an immediate step towards becoming a paperless environment is to seriously review on-demand printing capabilities. |
| 106 | Chair Wilson | Comments on the changes in technology. Inquires how to stop legislators from engaging in point-to-point communication. |
| 118 | Hall | Speaks about the flexibility in the Senate Rules. States the Senate President has the ultimate authority to keep order in the Senate chamber. |
| 140 | Chair Wilson | Apart from decorum, asks what the House Rules are intended for in terms of prohibiting direct communication between legislators and lobbyists during floor debates. |
| 145 | Kenady | Answers the intent of the rule, preventing the use of cell phones during official legislative business, was directed at verbal communication. Suggests that because cell phones are prohibited, one could extend it to text messaging and notes it is the responsibility of the member to respect the rules. Speaks about cell phone use in the phone booths at the back of the chamber. Notes that the phone booths do not have the capability of incoming calls. |
| 177 | Chair Wilson | Comments on the issue of undue influence in the political process and asks what would happen if suddenly the rules allowed for unlimited |

- access of point-to-point electronic communization.
- 180 Hall Answers it would be chaos. Acknowledges that multitasking is a symptom of the 21st century.
- 194 Kenady Answers that total access during deliberations would be one more mark against the integrity of the ability of members to make decisions on their own and would have the appearance, if not reality, of total influence. Adds that it would detract from deliberations.
- 224 Chair Wilson Asks if it would be currently possible for a lobbyist in the audience of a committee meeting to text message a legislator at the dais with a question to ask an opposing witness.
- 238 Kenady and Hall Concur.
- 240 Wilhelms Recognizes that it would be absolutely chaotic to allow incoming calls on the floor. Reiterates Ms. Kenady's testimony about the work done in committee, and asserts that the members need to be prepared on the floor. Expresses interest in the console-type system as a source of pertinent information on the floor, which can be private and restricted from other uses.
- 277 Kenady Responds that she has seen the console used in Florida, and explains the console would allow the desk to push measure information to the members. Suggests having a two or three day notice before bills are heard.
- 308 Burns Comments on the scope of the committees' work. States that she would like to know who the communication is coming from, and if it is from staff that cannot come to the floor or the public. Comments on the distraction level of a text message versus a note being delivered.
- 335 Hall Responds about the protocol used by the Senate pages when delivering notes to senators. Expresses concern about potential abuse of text messaging and notes she is not in favor of allowing text messaging. Clarifies that legislative staff have full access to the floor.
- 371 Kenady Explains the decorum of the House Chamber. Describes the protocol used by House pages. Reiterates that staff has access to the floor. Suggests text messaging would take a member's undivided attention away from votes and debate.
- 425 Chair Wilson Invites Rich Englis to speak about proposal # 008.
- TAPE 5, B**
- 005 Rich Englis Manager, Information Systems (IS). Talks about his role to support the business section of the organization. Stresses the importance of looking at the merits of new technologies. Talks briefly about the private consoles, which could be structured in a way that would allow specific information with limited access. Comments IS is not wedded to any particular technology and would like to look at new and future technologies. Comments there are many technologies to consider.
- 076 Garber Asks what problem would paperless floor session solve.
- 084 Englis Responds about efficient access to information.
- 099 Hall Responds her vision would be to have printers in the back of the chamber for members who want to hard copies.

- 112 Wilhelms Recognizes that members have said that they thought they were voting on a different version of a measure, and suggests the console would eliminate that excuse because every legislator would have the information in front of them. Expresses interest in the system and recommends reviewing what states use the system.
- 132 Burns Suggests creative thinking about the alternatives.
- 153 Garber Inquires about the “private” aspect of the console.
- 162 Hall Clarifies that the public will not be excluded and the information would be and currently is available to the public. Clarifies that for security and accuracy purposes, only legislative members would have access to the system.
- 179 Kenady Explains that paper will always be needed for some members. Suggests there is value to printing on-demand, because the desks are guessing how many copies are needed. Provides suggestions in terms business practices. Concurs with Mr. Wilhelms about having the same pertinent information available to members through the console system, for members who do not wish to bring file folders to the floor.
- 242 Englis Echoes Mr. Wilhelms’ comment about having every member looking at the same documents being very useful. Admits the issue needs great care on how it is done and notes the timing is also important.
- 260 Chair Wilson Closes the committee discussion on proposal #008. Opens a work session on proposal # 147.

PROPOSAL # 147 – WORK SESSION

- 283 Marjorie Taylor Commission Administrator. Explains proposal # 147 (*Switch to wireless technology in the entire capitol*). Refers to the letter sent to the IT Governance Board by the commission Co-Chairs and Chair Wilson (**EXHIBIT A**), encouraging the Board to raise the wireless project’s priority level.
- 320 Chair Wilson Reads the Staff Measure Summary for proposal #147.
- 328 Rich Englis Manager, Information Systems. Provides a status update on the wireless project. Explains the Wireless Analysis Project and the Capitol Access Wireless Project. Explains that the Capitol Access Wireless Project is to implement wireless throughout the building, and the project will not start until leadership gives official permission, and makes funding available. Adds that the two mentioned projects are high in the prioritization process.
- 367 Vicki Brammeier Network Supervisor, Information Systems. Adds that she is also managing the Wireless Analysis Project. States that the two components of the wireless in the Capitol are public access to the internet and access to the legislative network, available to legislators and legislative staff. Explains a brief high-level assessment was done in January 2005 to determine what equipment, efforts and costs would be needed. Adds they have drafted technical and security provisions.

TAPE 6, B

- 002 Brammeier Continues. Explains the wireless site survey conducted to test access locations. States the budget can be determined in January 2006 and the Wireless Analysis Project will wrap up in February. Explains that the

- Capitol Wireless Plan is being drafted.
- 012 Burns Asks if the idea has gone out to bid to another company.
- 019 Englis Responds that partnership options have been reviewed, but there is concern about not using the existing network and not using the same technology and vendors in which run the current network.
- 032 Wilhelms Asks if the approvals and appropriations were made, could the wireless projects be completed by the 2007 session.
- 038 Brammeier Concurr.
- 040 Wilhelms Inquires if the entire Capitol would have the same wireless access, instead of “hot-spots”.
- 041 Brammeier Concurr.
- 052 Burns Encourages wireless “hot-spot” areas, rather than making the entire Capitol wireless.
- 058 Brammeier Answers that wired is more secure. Explains that the cost for wireless for the entire Capitol, without providing laptops is approximately \$400,000.
- 064 Englis Responds about the business need and process.
- 075 Burns Comments on the “hot-spots”. Inquires if there are organizations interested in donating laptops.
- 087 Englis Responds he does not believe so.
- 091 Burns Inquires about examining if outside vendors could contribute laptops to legislators.
- 094 Chair Wilson Responds about the contribution issues.
- 100 Burns Encourages the pursuit of using creative angles.
- 105 Wilhelms Speaks against making a contribution arrangement with a corporation. Acknowledges and touches on the differences between contributions made to the education community and contributions made to the legislature. Indicates he does not see the need to provide laptops as part of the project.
- 129 Englis Clarifies that leadership directed IS to review wireless capabilities, not to include providing laptops.
- 138 Wilhelms Suggests that the wireless capabilities may be more for public access, rather than the legislators. Expresses hope for a recommendation to move the wireless project to the full commission will take place.
- 154 Garber Concurr with not providing laptops. Inquires about the cost without including laptops.
- 167 Englis Responds about the price of providing 90 laptops to legislators.
- 178 Garber Asks if the motion would be to proceed with the wireless project without providing laptops.
- 184 Chair Wilson Reads proposal #147 and adds that laptops will not be included.
- 191 Burns Asks for a committee consensus about providing wireless capabilities either to the entire Capitol, or to designated “hot-spots”.
- 194 Chair Wilson Inquires about signal leakage.

199	Brammeier	Responds that there could be some signal leakage, but notes it is not a major problem.
208	Chair Wilson	Inquires about the capacity as to how many people could use the signal.
213	Brammeier	Answers one access point can be used by 25 people.
218	Chair Wilson	Clarifies that persons not in the building could not “hitchhike” on the signal, harming capacity.
219	Brammeier	Concurs.
220	Wilhelms	Asks if the signal would be available 24 hours a day, seven days a week.
225	Brammeier	Responds the system could be shutdown after working hours, but notes the Capitol is used after normal business hours.
236	Burns	Responds about “hitchhiking” on the signal.
243	Chair Wilson	Clarifies that “hitchhiking” is not seen as a problem.
246	Brammeier	Concurs.
251	Chair Wilson	Asks for a committee consensus about having the entire Capitol wireless, or having “hotspots”.
254	Garber	Asks if there is a significant amount of savings for having “hotspots”, rather than the entire building.
260	Brammeier	Responds the design can accommodate “hotspots”, and states that it is a one-to-one cost.
261	Wilhelms	Asks how much space one access point covers.
272	Brammeier	Answers that an access point covers about 300 ft. and notes it also depends on the marble, because the marble does hinder the strength of the signal.
281	Wilhelms	Responds about the potential difficulties to identify “hotspots”.
295	Burns	Comments on the environment when using technology.
310	Chair Wilson	Inquires about the appropriation for the wireless project.
312	Englis	Responds that it is unknown at this time and options are being reviewed by leadership.
320	Henderson	Answers that funding is not available in Legislation Administration’s budget at this time, and the Emergency Board is an option.
330	Wilhelms	Suggests a motion to encourage leadership to deal with the usage of wireless technology in sensitive areas by House and Senate Rule.
348	Chair Wilson	Asks if the motion could include the suggestion.
354	Henderson	Responds that the suggestion has been discussed in the IT Governance Board and leadership is aware of the issues. Notes that having the suggestion in the motion makes sense.
362	Chair Wilson	Inquires about any anticipated problems.
373	Englis	Responds about interruptions in both committee and on the floor. Speaks to the identified cabling issues.
391	Brammeier	Responds about continuing to strive for excellent customer service.
411	Wilhelms	Asks if there will be another Facilities Committee meeting prior to the

full commission meeting in February.

422 Chair Wilson

Inquires with the commission administrator.

426 Taylor

Responds that the committee can have another meeting before the full commission meets.

TAPE 7, A

005 Chair Wilson

Comments that it would be possible for people to use the wireless capabilities during committee hearings.

009 Englis

Concurs.

013 Henderson

Asserts that the issues surrounding usage can be covered through House and Senate Rules.

018 Englis

Encourages that the proposal not use the word "switch" to wireless in the Capitol. Notes it is an augmentation to the current system.

025 Chair Wilson

Asks the committee if they concur with amending the wording to read "add wireless to the entire Capitol and to encourage addressing rules".

030 Wilhelms

Concurs.

031 Garber

Concurs.

032 Burns

Concurs.

033 Chair Wilson

Talks about the verbiage.

035 Wilhelms

States he would add language to the motion to include "seeking, if necessary, the funding from the Emergency Board and language to encourage legislative leadership or the presiding officers to pursue discipline on the usage of wireless technology in sensitive areas within the building through House and Senate Rules.

056 Chair Wilson

Asks who is best fit to regulate behavior.

061 Henderson

Answers leadership of the House and Senate, through the Chief Clerk of the House and the Secretary of the Senate.

066 Garber

Provides a possible version of the motion.

073 Taylor

States the motion will read "add wireless technology to the entire Capitol; seek if necessary, funding from the Emergency Board for implementation of the project; and encourage House and Senate Leadership to develop rules, regulating the use of wireless technology within the Capitol building".

091 Wilhelms

MOTION: Moves to AMEND proposal #147 by replacing "Switch to wireless technology in the entire Capitol" with "Add wireless technology to the entire Capitol; seek if necessary, funding from the Emergency Board for implementation of the project; and encourage House and Senate Leadership to develop rules, regulating the use of wireless technology within the Capitol building" and with the recommendation that the amended proposal be sent to the full commission.

095

VOTE: 4-0-2

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Rep. Krieger, Sheriff Ramirez

Chair Wilson **The motion CARRIES.**
WILSON will lead discussion before the full commission.
105 Chair Wilson Closes the work session on proposal #147 and opens work session on proposal # 136 (*Ensure that a wheelchair is available for people with acute health problems etc.*).

PROPOSAL #136 – WORK SESSION

122 Taylor Reads the Staff Measure Summary for proposal #136. Explains there is a wheelchair available for access, and that if there is a need for a wheelchair because of injury, there are requirements to contact the State Capitol Police and Legislative Administration.

133 Wilhelms Asks if the building only has one wheelchair.

149 Garber Asks if a wheelchair is available.

158 Taylor Clarifies that there is a wheelchair available, and if there is an acute health problem, the Capitol Mall Police and Legislative Administration have to be contacted and the responders will access a wheelchair if needed. Suggests there are liability concerns.

171 Wilhelms Suggests a response to the full commission would state that a wheelchair is available for persons with acute health problems.

177 Taylor Suggests that proposal # 136 needs no further action because the committee has discovered that a wheelchair is available.

180 Burns MOTION: Moves PROPOSAL # 136 be sent to the full commission with the recommendation that no further action is needed.

185 VOTE: 4-0-2
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Rep. Krieger, Sheriff Ramirez

Chair Wilson The motion CARRIES.
188 Chair Wilson Closes the work session on proposal # 136 and opens a work session on proposal # 120 (*When speaking on the record, require people to state their name etc.*)

PROPOSAL #120 – WORK SESSION

192 Taylor Explains proposal #120. Suggests that the recommendation could be that the committee take no further action on the proposal because there is existing communication in which identifies who is speaking on the record.

220 Wilhelms Suggests a motion encouraging that the issue be dealt with by rule.

240 Chair Wilson Responds that proposal #120 needs more thought before action is taken. Closes the work session on proposal #120 and adjourns the meeting at 1:15 pm.

EXHIBIT SUMMARY

A. Proposal # 147, letter, staff, 1 p