

**THE PUBLIC COMMISSION ON THE OREGON LEGISLATURE**  
**THE PUBLIC INSTITUTION COMMITTEE**

October 03, 2005  
12:30 P.M.

Hearing Room A  
Tapes 1-4

**MEMBERS PRESENT:** Kerry Tymchuk, Chair  
Rep. Deborah Boone  
Hasso Hering  
Judge Laura Pryor  
Gretchen Schuette  
Junki Yoshida

**GUEST MEMBER:** Hans Linde

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

**PROPOSALS/ISSUES HEARD:**

- Discussion of Dave Frohnmayer’s Seven Points and Susan Leeson’s “21<sup>st</sup> Century Legislature” Comment - Informational Meeting
- Demonstration of Information Available on the Legislative Website And Discussion about How the Capitol, Legislative Assembly and the Legislative Process are Made Accessible to the Public – Informational Meeting
- Opportunity for Public Comment
- Overview of Ethics Rules and Regulations on the Legislative Branch and Lobby – Informational Meeting
- Discussion of Charge to The Public Institution Committee and Review of Proposals Referred to Committee - Informational Meeting

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 1, A</b>		
002	Chair Kerry Tymchuk	Calls the meeting to order at 12:45 p.m. Provides a brief background behind the creation of the commission and the responsibility of the individual committees.
<b><u>DISCUSSION OF DAVE FROHNMAYER’S SEVEN POINTS AND SUSAN LEESON’S “21<sup>ST</sup> CENTURY LEGISLATURE” COMMENT – INFORMATIONAL MEETING</u></b>		
005	Chair Tymchuk	Touches on the question posed by Susan Leeson and reads the seven points submitted by Dave Frohnmayer ( <b>EXHIBIT A</b> ).

- 034 Marjorie Taylor Commission Administrator. Touches on the issues discussed during the joint meeting with the Human Resources and Management Committees.
- 061 Schuette Discusses the some of the perception issues in regards to the legislature, including the lack of traction on priorities, public confidence and access. Speaks about issues such as public support and participation. Comments on the role, definition and function of a citizen legislator.
- 114 Chair Tymchuk Reiterates concern about keeping a realistic view.
- 121 Rep. Boone With regard to a commission proposal, talks about notes passed to legislators on the floor and states it is a personal issue. Explains that she has chosen not to have notes delivered to her on the floor, unless it is an emergency. Comments the committee should not make recommendations to prevent notes, but to leave it as a personal choice.
- 150 Hering Comments that there are unrealistic expectations of the legislature and notes that the legislature may not be as unpopular in its current times as people perceive. Comments on what he believes is where the negative perception comes from, including media coverage.
- 220 Chair Tymchuk Acknowledges Hans Linde's present at the dais.
- 225 Hering Continues to discuss the public's lack of understanding in terms of the institution and process. Comments that posting votes and additional information pertaining to the committee process online would be useful.
- 260 Yoshida Suggests that the people are the most important elements in the process. Discusses the need for professional training for legislators to limit information coming from elsewhere. Comments on the need for professional staff. Speaks about the research and policy departments. Discusses the issues of communication and rapport needed between legislators, as well as the power in the caucus offices.

**TAPE 2, A**

- 002 Yoshida Stresses the importance of training for professional legislators.
- 012 Judge Pryor Discusses the difficulties in Oregon in terms of geographical issues, population issues and the problems encountered. Expresses concern over the disconnect between the various levels of government.
- 070 Chair Tymchuk Introduces Dave Henderson and Daniel Russell.

**DEMONSTRATION OF INFORMATION AVAILABLE ON THE LEGISLATIVE WEBSITE – INFORMATIONAL MEETING**

- 073 Dave Henderson Legislative Administrator, Legislative Administration. Explains the role of the Legislative Administration Office. Introduces Daniel Russell.
- 097 Daniel Russell Web Editor, Legislative Administration. Explains he is here to present the website, which hosts over 50,000 pages of information. Notes that last session, there were 1.8 million hits on the website during an average session month.
- 112 Chair Tymchuk Inquires how the public finds out about the website.

- 115 Henderson Responds the website is publicized in some press releases and the legislators promote the website as well.
- 126 Russell Presents the website for the committee. Walks the committee through the House and Senate links, including the different offices, office contact information, and member information. Explains the bills and laws link on the webpage and notes that legislation is archived back to 1995.
- 135 Rep. Boone Responds she receives over 50 e-mails a day during session. States the website is very helpful.
- 164 Russell Continues to present the committee page, including meeting agendas, meetings minutes, audio and video for committee meetings and the tutorial on how to testify before a committee. Presents the capitol information page, including how to use and access the building. Presents the office contacts for employees within the building, the online gift shop, online tours, parking and directions to the Capitol.
- 269 Henderson Introduces Bill Sweeney, Information Systems. Responds the website has been in place since 1995.
- 270 Judge Pryor Inquires about the time spent on the updates.
- 283 Russell Responds he is employed fulltime and works on the website during session, making updates and communicating with the public.
- 298 Chair Tymchuk Asks if they review websites in other states.
- 299 Henderson Responds they do look at look at other states' websites and notes they feel like they have one of the most effective sites.
- 305 Rep. Boone Illustrates the how the timeliness of updates are important to members during session. Expresses the importance of the website to the members and constituents during session and during the interim.
- 341 Russell Continues to explain the website and walks the committee through the pages where the public can find their legislator and contact information. Presents the citizen's guide to the process and the kid's page.

**TAPE 1, B**

- 002 Russell Briefly describes a few scenarios to demonstrate how the website works.

**DISCUSSION ABOUT HOW THE CAPITOL, LEGISLATIVE ASSEMBLY AND THE LEGISLATIVE PROCESS ARE MADE AVAILABLE TO THE PUBLIC – INFORMATIONAL MEETING**

- 101 Henderson Refers to the informational packet illustrating the various sources of information provided for public access (**EXHIBIT B**). Explains the media options for the public and notes they would like to see it grow. Explains the operations of the internal closed-circuit television system for hearings inside the Capitol. Explains the signal and the cable access channels, in which distributes coverage to 400,000 households. Comments they have not been able to distribute the video signal out to some parts of the state. Comments on the projects being working on to provide more access to other parts of the state. Discusses the toll free number available to the public.
- 201 Henderson Explains there are classes provided early in session to train lobbyists

- and the public on the process, as well as how to testify in committee.
- 210 Chair Tymchuk Inquires what the commission could help with in regards to improving public access.
- 218 Henderson Responds that expanding the video distribution coverage statewide would be very useful. Talks about the ongoing discussions.
- 227 Judge Pryor Inquires if committees use the two-way interactive system.
- 231 Henderson Concurs and explains there is teleconference capability and it is used on a regular basis during session where testimony can be taken from persons in different parts of the state.
- 243 Judge Pryor Asks who the contact person for using the teleconference systems is.
- 245 Henderson Responds Legislative Administration.
- 246 Chair Tymchuk Inquires if the projects for media coverage would involve legislation.
- 249 Henderson Responds it would involve legislation in the form of budget appropriation.
- 252 Bill Gross Legislative Media Supervisor. Responds about the costs affiliated to broadcast further throughout the state.
- 266 Chair Tymchuk Inquires if Legislative Administration conducts training for members and member's staff.
- 270 Henderson Responds they are in support of the training, but the training is conducted by the Secretary of the Senate and the Chief Clerk of the House.
- 288 Chair Tymchuk Inquires about the security measures within the Capitol.
- 292 Henderson Responds that Legislative Administration, the Oregon State Police and the County Sheriffs' Office are in the process of developing recommendations for improving security and notes some recommendations have been implemented.
- 302 Hering Comments on some of the difficulties for interest groups tracking legislation.
- 308 Henderson Responds that parts of the system are updated after the information is processed, some is updated real-time. Explains the issue is on the list for improvement so that information will be available real time or as real-time as possible.
- 320 Hering Responds about the some information not made available and the criticism that follows.
- 333 Linde Inquires about the costs affiliated with maintaining a website and developing the material.
- 352 Sweeney Responds about the cost to keep the person to update the web.
- 380 Linde Inquires about the member's websites and the issues regarding campaigns and press releases.
- 411 Henderson Responds he will do some research and provide the information.
- 417 Rep. Boone Expresses that members are not allowed to use the legislative website to campaign.

**TAPE 2, B**

- 002 Tymchuk Inquires if certain material can be denied, such as campaign information or persuasive material.
- 005 Henderson Concurs and explains the cautions used.
- 019 Judge Pryor Inquires how many times the website has been updated in the last five years.
- 021 Sweeney Responds he will provide the information later.
- 033 Rep. Boone Provides an example of what her staff has done if there has been a question in terms of what is happening in committee, such as watching the hearings live from her office.
- 055 Chair Tymchuk Asks for public comment.

**OPPORTUNITY FOR PUBLIC COMMENT**

- 056 Liz Frankle League of Woman Voters of Oregon. Comments on the importance of the information available on the web, including the live video and audio recordings of committee hearings. States that listing more detail in terms of committee votes are important to accountability.
- 097 Peggy Lynch League of Woman Voters of Oregon. States the public's business needs to be done in the public's view. Comments on the press' take on some legislation.
- 163 Rep. Boone Comments on the introduction of some bills as a courtesy to constituents and the process that has to take place.
- 187 Hering Speaks about ill-considered legislation.
- 242 Chair Tymchuk Invites Ted Reutlinger and Patrick Hearn to present.

**OVERVIEW OF THE ETHICS AND REGULATIONS ON THE LEGISLATIVE BRANCH AND LOBBY – INFORMATIONAL MEETING**

- 252 L. Patrick Hearn Executive Director, Government Standards and Practices Commission. Submits and refers to the outline illustrating the ethics laws in Oregon (**EXHIBIT C**). Provides background of the sunshine laws and the ethical standards in Oregon. Explains the ethics code and to whom it applies.
- 290 Ted Reutlinger Legislative Counsel. Explains the definition of conflict of interest. States the members need to declare conflicts in compliance with Senate and House Rules.
- 336 Chair Tymchuk Inquires what recommendations the commission can make in terms of ethics within the legislature.
- 353 Hearn States he is speaking on his own behalf. States the legislature is very fractional in terms of caseloads for the Government Standards and Practices Commission.
- 379 Chair Tymchuk Comments on Oregon having minimal scandals. Asks for Mr. Hearn's personal opinion for recommendations.
- 387 Hearn Responds gifts for elected officials and public officials should be looked at.

**TAPE 3, A**

- 002 Chair Tymchuk Clarifies that there is a \$100 threshold for gifts and no arrogate limit on food and beverage.

018	Hearn	Responds a recommendation could be to lower the reporting amount or lower the threshold. Explains the existing law. States conflict of interest disclosure needs to be reviewed in terms of more detail disclosure as well as the statements of financial interest.
030	Chair Tymchuk	Inquires if there are other states with a lower reporting threshold.
037	Hearn	Responds Minnesota has lower threshold and are more restrictive. Comments on interests extending to relatives and the clarity needed surrounding the issue.
065	Chair Tymchuk	Inquires if the Government Standards and Practices Commission addresses campaigns.
067	Hearn	Responds no. Discusses the law includes relatives and states there is not a statute prohibiting relatives as staff.
088	Chair Tymchuk	Inquires if the commission provides training to members.
092	Reutlinger	Responds Legislative Counsel provides training to members and member staff.
096	Hering	Inquires about honoraria.
108	Chair Tymchuk	Comments on the exceptions at the federal level.
119	Hearn	Responds that a legislator may not receive honoraria for making a presentation in the State of Oregon.
124	Chair Tymchuk	Inquires what members and spouses can receive in regards to travel and presentations.
131	Hearn	Responds that a legislative member, if participating in their official capacity, can accept food, lodging and travel. Notes if the spouse is accompanying, they can only except up to the \$100 threshold.
142	Linde	Inquires what the consequences are for members who do not disclose a conflict or do not report accurately.
178	Hearn	Responds about public disclosure and consequences thereof.
196	Linde	Comments on the conflicts for city council members or school board members.
224	Yoshida	Inquires about consequences surrounding reporting issues.
237	Hearn	Responds about the honor system.
241	Yoshida	Inquires about election and campaign donations.
255	Chair Tymchuk	Inquires about the penalty for lobbyists who violate the rules.
261	Hearn	Responds there are civil penalties up to \$1000. for each violation.
265	Schuetz	Inquires if the Senate or House has sanctioned their own members.
267	Chair Tymchuk	Inquires if the legislature has their own Ethics Committee, besides the Rules Committees.
271	Hearn	Responds not to his knowledge.
280	Reutlinger	Responds about the procedures through the Senate Rules Committee.
290	Linde	Inquires if it would be a violation if the person hired by the member does not do any work.
302	Hearn	Responds yes, under the statute prohibiting the use of an office for

- personal financial gain.
- 309 Linde Asks how he would strengthen the institution.
- 318 Hearn Responds there is a flaw in the sense that the Government Standards and Practices Commission is funded by the Legislative Assembly to which they have regulatory authority.
- 336 Chair Tymchuk Inquires how other similar commissions in other states are funded and asks about the reporting requirements for lobbyists.
- 340 Hearn Responds that most other states' ethics commissions are funded by the general fund. Responds lobbyists have to report twice in a non-session year and three times in a session year and the entities they represent report once a year.
- 355 Yoshida Inquires if a member can resign before the end of their term.
- 363 Reutlinger Responds there is nothing preventing a member from resigning at any time.
- 387 Chair Tymchuk Refers to the proposal chart (**EXHIBIT D**). Asks the committee to review the proposals.

**DISCUSSION OF CHARGE TO THE PUBLIC INSTITUTION COMMITTEE AND REVIEW OF PROPOSALS REFERRED TO COMMITTEE – INFORMATIONAL MEETING**

**TAPE 4, A**

- 005 Judge Pryor Requests that the committee discuss some of the big picture issues.
- 015 Chair Tymchuk Responds about some of the important issues facing the committee including ethics and training for members.
- 047 Rep. Boone Responds about the non-partisan training available. Explains the difficulties of commuting to the Capitol and the expenses of keeping the office in the Capitol, let alone an in-district office. Explains why some members hire family to work in the office.
- 068 Schuette Comments that a possible feature of the training could include how to provide public access and better communication.
- 071 Rep. Boone Comments on the accessibility of members throughout the state, the local contact information available and how members deal with the issues individually.
- 090 Judge Pryor Reiterates the need for reviewing the relationships within the three branches of government.
- 100 Hering Inquires about the local county commissioners' role in the connectivity of the different levels of government.
- 108 Chair Tymchuk Inquires about the role of the League of Oregon Cities and the Association of Oregon Counties.
- 110 Judge Pryor States that there is not a mechanism other than testifying, to come together and have discussion.
- 117 Schuette Responds about the issues overlapping with the Process Committee.
- 125 Judge Pryor Comments on the disconnect within the system and governance structure.
- 145 Hering Inquires if the League of Oregon Cities and the Association of Oregon Counties have legislative liaisons and staff to activate the members and

- inform the members of the positive and negative aspects of specific issues.
- 150 Rep. Boone Responds about the amount of legislation introduced and the time available to research the impacts on agencies, communities and the private sector.
- 180 Judge Pryor Comments on the effects of legislation and the lack of connections.
- 199 Hering Comments on the complexities within the legislative branch.  
Comments that if there is a problem with time in terms of reviewing the implications of legislation, suggests that there are ways to create more time, do away with the last minute decisions, the pressure to adjourn, and limiting the amount of legislation introduced.
- 261 Chair Tymchuk Comments it is not possible to legislate competence.
- 276 Judge Pryor Comments on interconnectivity within the system.
- 289 Rep. Boone Responds about the pressure to adjourn.
- 293 Judge Pryor States there should be discussions about governance.
- 310 Chair Tymchuk Concurs that the discussions should take place surrounding the issue, and touches on the preview of the commission.
- 325 Rep. Boone Comments on the importance of understanding the ramifications of legislation on local areas and other parts of the systems.
- 338 Judge Pryor Comments on the issues she feels the legislature does not review and comments on the need for conversation surrounding the issues.
- 369 Rep. Boone Responds about information reflecting the effects of legislation.
- 389 Chair Tymchuk Reiterates the preview and responsibilities of the Commission.
- TAPE 3, B**
- 006 Schuette Inquires about a draft list of issues within the preview of the commission.
- 010 Chair Tymchuk Comments that ethics will be included in the draft list.
- 037 Judge Pryor Comments about the legislature governing its own rules.
- 042 Chair Tymchuk Comments that more funding for the Government Standards and Practices Commission could be a topic for discussion.
- 053 Yoshida Comments on the issue of image being of importance and connecting with access.
- 060 Chair Tymchuk Comments on the training and access issues in regards to caucus.
- 098 Rep. Boone Asks that the issues in regards to notice and timing of hearings be reviewed in the interest of public access.
- 142 Chair Tymchuk Requests that e-mails be submitted through Marjorie for a brief summary for the full commission.
- 214 Hering Concurs with the committee process.
- 2416 Schuette Concurs.
- 217 Chair Tymchuk Closes the meeting and adjourns at 3:50 p.m.

**EXHIBIT SUMMARY**

- A. Committee Discussion, Dave Frohnmayer's seven points, staff, 2 pp
- B. Information Access, informational packet, staff, 75 pp
- C. Oregon Ethics Laws, outline, Patrick Hearn, 5 pp
- D. Proposals, proposal chart, staff, 13 pp