

To: Subcommittee Members

From: Subcommittee on Ethical Conduct Staff

Date: Thursday, February 10, 2011

Subject: Staff Explanation of Subcommittee on Ethical Conduct Audio Recordings

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All Minnesota Senate Committees use an electronic sound card to record all committee and subcommittee hearings. This morning it came to our attention that there were technical issues surrounding the recordings for the Senate Rules Subcommittee on Ethical Conduct that was held on Wednesday, February 9, 2011.

Two of the three sound cards had separate technical malfunctions. The first sound card inexplicably stopped functioning after one hour and 45 minutes and 52 seconds. By the time staff discovered that the sound card was no longer recording roughly 25 minutes of the hearing had elapsed, at which time the subcommittee recessed to put in a new recording sound card.

The second sound card recorded the remainder of the public session of the subcommittee.

The second sound card was removed after the subcommittee made a motion to discuss the ethical conduct complaint in executive session and was replaced with a third sound card.

The staff ensured that the third sound card appeared to be recording. After the hearing adjourned, we determined it was not picking up any audible sounds. After we examined the third sound card, we determined that it was functioning for 53 minutes and 16 seconds but no words or sounds were recorded.

During the executive session, a motion was made to adjourn the executive session portion of the subcommittee hearing and informed the public about the findings of the Subcommittee. At this time, the third sound card was removed and replaced with the second sound card to differentiate between the executive session and the public session.

At the time staff carefully observed standard procedures for recording and assumed that the sound cards recorded the subcommittee in its entirety. Please be aware that detailed meeting minutes were taken and the minutes are attached and will be made public.

We regret that this happened. Throughout the entire hearing we have made every effort to ensure that the meeting minutes provide a detailed picture of what the subcommittee discussed.