

**“INSIDE”**

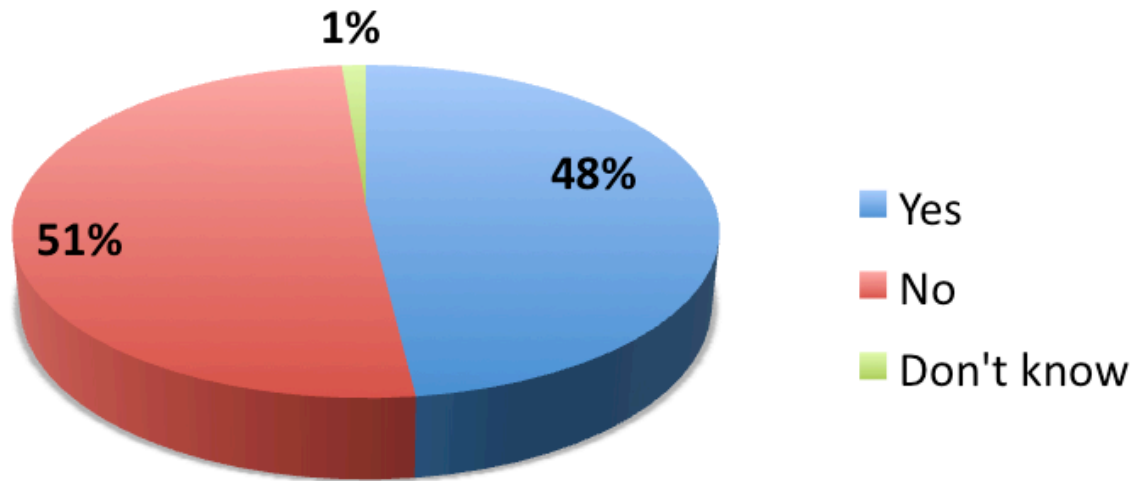
**INTELLIGENCE**

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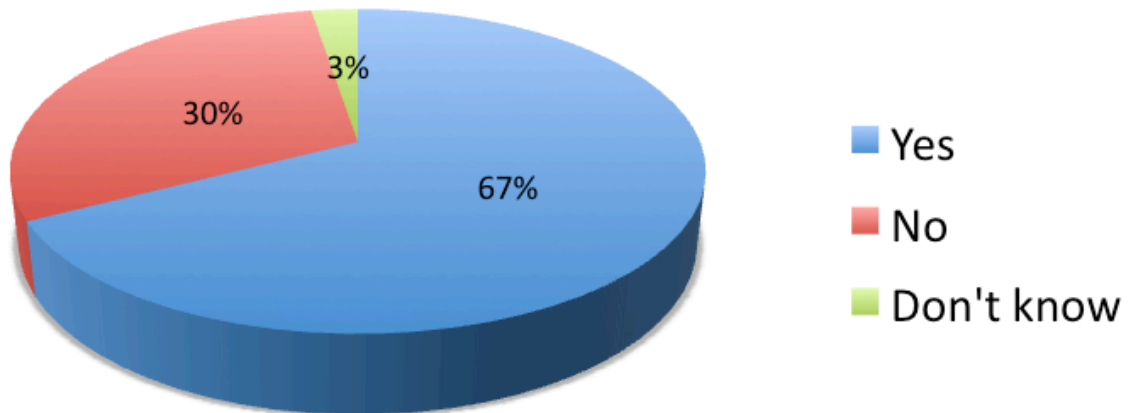
**THE TEXAS TRIBUNE**  
TEXAS  WEEKLY

The insider's poll for the week of December 13.

## *Should lawmakers be paid more?*



## *Should they disclose more about their personal finances?*



*Complete verbatim answers to this prompt: "Several Texas lawmakers have been in trouble in recent months over issues related to personal income and ethics — using their public positions for personal gain. Should state law be changed to make that harder to get away with, or to make it less attractive in the first place?"*

In theory, yes. However, I don't trust this incoming legislature to be able to pass legislation to address the issue, so it should be left for a saner time.

- Need more disclosure to eliminate, for example, double billing of campaign and state for travel.

- No, you can't legislate ethics.

- Both!

- yes

- Yes - harder to get away with!

- There needs to maximum transparency and significant penalties. Too many people now believe that all politicians are corrupt and that has to change if we are ever going to restore faith in government.

- Continue to improve disclosure requirements and let the public decide.

- Absolutely. It defies logic to think you can double bill and not understand the difference.

- We need to have full-time salaries and tougher disclosure laws laws on income outside the legislature. Otherwise we will continue to have bought members as we have for over a century.

- Yes.

- Part of the reason they get in trouble is because it's difficult to make a living and be a legislator

- Yes, penalties should be severe. This campaign/official account confusion issue is malarkey. These guys were robbing the taxpayer or are too ignorant to serve in office. Either way, they need to go.

- Absolutely.

- The law needs to be more clear. It is vague. Additionally, the Ethics Commission needs to be more helpful providing guidance.

- yes

- Yes.

- It should be less attractive in the first place. Better transparency as in question #2, above, would help.

- yes. plus the benefit structure should be revised so they are not rewarded long-term (once they leave office) for their public service. they chose to run.

- I think Ethics Commission needs to further clarify in their rules exactly what can be spent from campaign accounts.

- No. A slippery slope lies there. The process eventually finds these infractions and eventually corrects them.

- No

- Let's face it, being a Texas legislator is a full-time job. It is hard to make a living and be in the legislature. This

leads officials to cut ethical corners. So, we should pay them properly and demand full and complete disclosure. No more loopholes, no more gimmicks.

- Yes. More detailed disclosures. Less random enforcement. Also, expenditures made by consultants (and I've been one) on behalf of candidates do not have to be disclosed. This is a huge loophole that needs to be closed.
- Harder we need to clean up the Leg.
- Absolutely
- We need to make the laws clearer but opening up the code for revision invites mischief. The so-called campaign finance reformers would use this opportunity to attempt to take more of our rights of expression.
- more transparency
- Changing state law is not the right answer... we need swifter investigations and more money to investigate the ethically challenged lawmakers.
- Yes
- Changed to what? The same problems exist in every legislative body, from Congress to the local city council. It's called "human nature." I'm still trying to figure out how it is that legislators only make \$600/month, yet I've rarely seen one leave the Capitol poorer than when he came in...
- Both. Disclosure forms need to be simplified and rules should all be based on common sense. Classes on current ethics rules should be mandatory for all legislators before each session to

ensure that they know all updated applicable ethics rules and laws. Withhold their office funding and paycheck until they complete the course.

- No. We already have provisions to deter conversion to personal use. And campaign researchers still need them to make these dumb decisions so we have something to use against them when they run for reelection.
- Both. Too many lawmakers run for office and look at it as a way of helping their business, either by elevating their profile for their law firm or helping them wield influence over local developments back home. Pay should be increased, not so much so as to get away from the citizen legislator, but enough to warrant a more stringent reporting of political activities and to ensure separation of business and state interests.
- No, dishonest people will seek opportunities for personal gain and find ways to do the wrong thing if they want to. Changing the law is not going to solve that problem. Usually it only places a further burden on the honest people.
- Since the ethical lapses were exposed, I would say the current system works. Let the voters decide if they are serious enough to warrant defeat in the next election. If they are crimes under current law, the offender is already subject to prosecution. You cannot legislate ethics--you can only require disclosure.
- Absolutely.

- The Ethics Commission needs to be given subpoena power and the ability to perform random audits.
- The law is adequate as written. Enforcement is and has been weak at best.
- Yes, but don't hold your breath. Speaker Straus poured more than \$100,000 into the Linda Harper-Brown race and \$70,000 into the Joe Driver race after their ethics difficulties were public.
- harsher penalties for ethics violations would be a very good idea
- yes.
- The Legislature needs to develop a simple, transparent disclosure mechanism so the public can good information to decide for themselves
- The laws should be reviewed the insure transparency in all reporting.
- Generally yes, but it depends on the proposal. Establishing a penalty of capital punishment would make it less attractive. Not sure that is a good idea.
- No, just enforce the current laws.
- Yes, of course. But until we pay them a meaningful salary, it will be very difficult to convince them to regulate themselves. An ethics book that mirrors congressional rules (no outside employment) would be ideal, but highly unlikely.
- yes
- Make it less attractive and more difficult to do so without disclosure. Too easy now, such as business and case referrals, legislative continuances, state contracting, consulting, other things that never get disclosed. Legislators should be compensated appropriately for the job they do, so it is not so tempting to get sucked into using the office for financial gain. Re question 1, yes they should be paid a reasonable salary, but that should be reconciled with per diem, travel reimbursement procedures, and the plain old state employee salary schedule. Re: question 2, yes, they should be required to disclose more but only as it relates to income received that is related to state government, politics, or anything else related to their position as a legislator. Current required financial statement is a joke. Legislators should also be required to disclose anytime a piece of legislation directly affects their business and their level of compensation from that business, especially if it is a lawyer and the bill affects a pending case and their potential compensation from that case. These are the kinds of things that make our whole business look bad, for all of us.
- hell yes
- Yes, state law should be changed to make legislators earnings more transparent, harsher punishments for violating the laws, and at the same time they should be compensated for their time so that making use of their office for personal gain is less attractive and less justifiable.
- We will never eliminate "doing well while doing good" with public officials.

I think the only real enforcement of ethical standards is disclosure. Inform the voters effectively and let them enforce.

- more thorough disclosure will take care of the issue.....also a major clarification of gifts...hunting, fishing, golf, spas are going on in a major way and there is no reporting on either side.....
- yes, its easy to do away with the per diem as it currently is distributed, require more disclosure on how expenditures are initially made.
- Both. Lawmakers' pay--or lack thereof--is unrealistic and should be increased. Legislators worked hard to consider and eliminate loopholes in the margins tax. They should apply the same effort to eliminate loopholes in personal-disclosure, bribery, and ethics laws.
- Yes
- Make it less attractive in the first place.
- When you get such a small salary, people will find and exploit loopholes to help cover costs. That's true of any individual and any business. We can change laws on ethics, but without raising lawmaker salaries (and extending the legislative sessions) we're just putting window dressing on the problem.
- Yes
- "ON the unsupervised playground the bully always takes your lunch money--the oversight functions and staffing

should be increased qualitatively and quantitatively (emphasis on the former)--state laws may arguably be adequate; too tough renders enforcement moot (ie, death penalty for DUIs, etc) Exposure and pressure to censure as important-making self dealing politically salient; some definitions may require tightening; requiring sanction- actions as a result of findings would expedite process; most important punishment is removal from office, voluntarily by voters or forcibly by Dist Atty or Lege, not necessarily jail time; I don't want DeLay et al imprisoned, just removed and embarrassed in a way that deters his peers in and out of office. Fines don't work w/the ultra wealthy, however or those who can raise the funds to cover legal fees (Hecht comes to mind)"

- Being untruthful on ethics reporting requirements should be a state jail felony.
- The Ethics Commission has limited ability to enforce its rules--they need more leeway to do their own enforcement without simply relying on complaints filed by political opponents.
- yes
- yes- not necessarily criminally, but probably disqualification for office.
- yes
- both
- There are widespread abuses of so-called "consultant" or "public relations" income by officeholders. Many of these arrangements are simply laundering payments to officeholders which

provides the donor with guaranteed access.

- Yes the law should be changed to crack down on these ethical violations and reporting should be more comprehensive. The moving around of money is be unethical in the real world

- Tougher penalties, but not tougher rules.

- I don't know that a change in law is necessary. The laws on the books are pretty tough. I would move the prosecution of these crimes away from the Travis County DA or any local DA and set up a special division in the AGs office. I have always felt that there is too much emphasis on minor reporting mistakes and not enough emphasis on how legislators make their money. I think Title Companies and local consulting contracts are a current area of concern.

- Lobby laws should prohibit any expenditure by a lobbyist that benefits a legislator. Not a cup of coffee.

- Just enforce the current laws. Also need to revise the current ethics law to allow for personal notification of reporting errors - - without a \$10k automatic fine.

- Harder to get away with and severe punishment for ANY wrongdoing.

- The current law seem to work with Keno Flores and Terri Hodge as cases in point. It is not a question of ambiguity for those who have stepped over the line. Significant changes in the ethics statutes just make it harder on those

who are honest and make ever effort to comply.

- "For The Dems: Only if Barbara Streisand makes the top 5 of their most fave people. For The GOP: Only if Gary Bauer makes the same list."

- This questions isn't very clear. I'm not sure how you make ethics less attractive if it isn't harder to get away with.

- Of course it should - and it should be named the Blagojevich amendment, and the names of the Texas members who are convicted of the same from here forward earn the honor of having their name attached for all eternity. Live by the sword...

- Yes. Yes.

- Both- by increasing pay you lessen some economic tensions, but lawmakers will succumb to temptation- which is why you need periodic scandals to reestablish ethical standards

- Yes, for too long the \$600. salary has made it possible for members to be forgiven for what are often breaches of ethics laws. Salaries should be raised substantially but travel, both on state business and resort trips, should be more restricted. For instance, on all state travel, a government travel office should book and pay for flights, hotels, etc to eliminate the mixing of state and campaign funds.

- Make it easier for those Threatened or solicited to report without fear of retaliation.

- Yes
- Really? You want to have the same people who game the system to change the laws? This is like asking the fox to guard the hen house. The legislators will end up putting in loopholes in order to bank off of it in the future.
- Yes, disclosure, disclosure, disclosure and if you violate the public's trust or break the law - GO TO JAIL, GO DIRECTLY TO JAIL.
- its a full time job, pay them accordingly. doing so will not take away the motive to make a profit using their office, however it helps. The ethics provisions in affect today work: Kino guilty.
- More clarity would be a good thing - for both lawmakers and lobbyists.
- yes - make it harder to get away with
- "I think we're between a rock and a hard place on this issue. We're stuck between this 1700's nostalgia about citizen legislators and 2010's reality about what is required to guide this state through a budget shortfall and toward 40 million people. If increased scrutiny discourages potential officeholders, then we didn't need them to start with. No offense, but if we don't want 120 attorneys in the lege, we might need to consider a pay raise. Of course, most of the full-time/part-time legislator debate would be moot if we added an off-year budget session."
- Neither. The laws are out there to stop the practice; enforcement is needed, not new laws.
- Both.
- It's not necessarily that the laws need changing, although some do. What's needed is a stronger, more independent Ethics Commission to conduct the kinds of random audits and self-initiated investigations that regularly uncover the wrongdoers.
- absolutely
- The law is sufficient as is
- Indictments and convictions are making it less attractive for those who see public service as a means of personal gain.
- Exposing the mischief to the light of day is the best policy because it puts the voters in charge of ethics infractions during the next election.
- both
- Of course. How they can get away with representing a client in front of a state agency is beyond me.
- Yes
- Texas Ethics Commission needs subpoena power.
- If you paid members 100k/year, you'd get higher quality candidates who were less inclined to game the system.
- "Yes, Texas law should require lawmakers to provide full financial disclosure. Furthermore, Texas should move to a government that works full time and state lawmakers should receive full compensation for governing. Texas is large a state, it



requires that lawmakers work full time."

- A system that allows an elected official to pay his country club dues out of his campaign account surely could use a little shoring up. Also, it might be interesting to require legislators to disclose the names of the lucky "constituents" who keep showing up on campaign finance reports as having accompanied their state rep or senator for an expensive dinner & drinks at various high dollar restaurants!

- Yes. The legislators seem to find the loopholes and exploit them. Once one is closed, they find another and take advantage. More than one person is using their campaign to pay for state travel, yet they don't have to report it? That's just crazy, but yet it's a legal loophole.

- Both.

- Just enforce what's on the books

- I don't think it would take a change in state law -- the House and Senate can both do what needs to be done by rule. Something like the affidavit that Geren is talking about would probably be sufficient. Most of them are very careful about all of this but it only takes a couple to make the rest of them look bad.

- The statutes could be made more clear. There are practices that members have followed over the years that at some point are deemed impermissible due to a TEC opinion or some other interpretation. Statutory ambiguity contributes to that. Penalties don't need to be increased but fines

should not be allowed to be paid from campaign funds unless the violation was directly related to a campaign.

- current laws are fine. enforcement is always the key.

- neither, the law should be changed to require much greater transparency and reporting. the penalties are already in existence and greater compliance requirements will make it easier to enforce. the big question is whether we want prosecutors to enforce the laws more, or do we want to fund the ethics commission to be able to do reviews and enforcement actions when they want to?

- Yes.

- Yes, make it harder to use their public positions for personal gain.

- Harder to get away with. We need more transparency.

- Yes. Officeholders should be beyond approach

- Absolutely. It erodes any public trust that is left.

- yes

- The laws are fairly clear about abuse of office. It's difficult to imagine that some tangential benefit to officeholders will not naturally occur. It's when the officeholder uses their position to extort "business" from entities they have the power to affect that the true problems emerge. That is still a fairly rare case.

- Yes. Others will look back at some of the lax enforcement and loopholes we currently allow and just shake their heads. It is time for a serious review of all Ethics laws, especially those dealing with personal and family income.

- Laws need to be more clear and tougher for sure.

- It seems they have been caught. Unless a loop-hole exists that should not be in the law, then perhaps the law is working as it was intended to work.

- Changing the law will do nothing to decrease elected officials' ignorance of the law.

- Question is unclear -- is that a binary choice or two of several options? But yes, it's time to revisit ethics laws related to income, tighten regulations, and add some sharper teeth. Fangs, in fact.

- I'd like to make the radical suggestion that current laws be enforced.

- Yes.

- Yes. Both

- It should be harder to get away with. This is the tip of the iceberg what the papers are reporting.

- The law needs to be more clear. TEC laws are some of the most confusing and ever-changing. Simplify it and it will be far easier to separate those who seek to game the system versus those who don't.

- Laws should be stronger, but also clearer. There is ambiguity in the law

and several different statutes that apply. The law should be re-written to clearly state what is unacceptable and clearly lay out civil and criminal penalties.

- The State Ethics Commission makes it clear on what constitutes state business and what is political. HM's who cheat the state should be held accountable

- I think the laws/regulations ought to be clearer. We have enough history on this issue that the laws should anticipate the issues and pass laws to regulate it to at least make it so that the public can decide if they want to reelect members.

- harder to get away with

- State law should be clarified so that vague TEC opinions are fully understood. Double dipping should be made a crime, if it is not already.

- No, more laws will not make unethical people more ethical.

- "The laws currently on the books effectively deals with the issue of ethics. The problem is enforcement. The ethics commission takes no pro-active position and only responds to allegations of wrongdoing. With no one looking over politicians shoulders nor defining, through case law or administrative action, what is acceptable the latitude of behavior is continually tested until someone's actions are brought into question during a campaign or in association with some grudge match. Then opposing parties' operatives are activated and all of a sudden their are charges and counter charges coming

from everywhere. A few members will get popped, some worse than others with some going to jail while others lose their electives jobs while still others get reelected no matter. The remainder of elected officials will suck in their horns, time will pass with a lull in administrative and judicial consequences and the whole cycle will repeat itself."

- The penalties are sufficient...if enforced.
- Pay them a real salary and perhaps the double reimbursements won't be so tempting.
- Require more transparency to make such dealings harder to get away with AND provide a reasonable income to legislators to make such dealings less attractive.

Our thanks to this week's participants: Sylvia Acevedo, Cathie Adams, Brandon Aghamalian, Victor Alcorta, James Aldrete, Clyde Alexander, George Allen, Matt Angle, Christian Archer, Doc Arnold, Jay Arnold, Jim Arnold, Kip Averitt, Louis Bacarisse, Charles Bailey, Tom Banning, Walt Baum, Eric Bearse, Leland Beatty, Dave Beckwith, Luke Bellsnyder, Tom Blanton, Hugh Brady, Andy Brown, Terri Burke, Lydia Camarillo, Marc Campos, Snapper Carr, Janis Carter, Corbin Casteel, William Chapman, George Cofer, Rick Cofer, Lawrence Collins, John Colyandro, Harold Cook, Hector Deleon, Kate Doner, Scott Dunaway, David Dunn, Jeff Eller, Craig Enoch, Alan Erwin, Ryan Erwin, John Esparza, John Fainter, Jon Fisher, Terry Frakes, Kyle Frazier, Neftali Garcia, Bruce Gibson, Machree Gibson, Scott Gilmore, Daniel Gonzalez, Jim Grace, Thomas Graham, Michael Grimes, Jack Gullahorn, Anthony Haley, Wayne Hamilton, Bill Hammond, Sandy Haverlah, Albert Hawkins, Susan Hays, Jim Henson, Steve Holzheuser, Shanna Igo, Deborah Ingersoll, Richie Jackson, Cal Jillson, Jason Johnson, Karen Johnson, Robert Kepple, Richard Khouri, Tom Kleinworth, Sandy Kress, Tim Lambert, Nick Lampson, Pete Laney, Dick Lavine, James LeBas, Donald Lee, Randy Lee, Luke Legate, Leslie Lemon, Richard Levy, Lance Lively, Susan Longley, Ruben Longoria, Vilma Luna, Matt Mackowiak, Phillip Martin, Bryan Mayes, Richard McBride, J. McCartt, Dan McClung, Scott McCown, Carol McDonald, Mike McKinney, Kurt Meacham, Robert Miller, Lynn Moak, Michael Moore, Bee Moorhead, Steve Murdock, Craig Murphy, Keir Murray, Todd Olsen, Gardner Pate, Bill Pewitt, Jerry Philips, Tom Phillips, Royce Poinsett, Kraege Polan, Jay Propes, Ted Melina Raab, Bill Ratliff, Karen Reagan, Tim Reeves, Chuck Rice, Carl Richie, Kim Ross, Luis Saenz, Mark Sanders, Jim Sartwelle, Stan Schlueter, Steve Scurlock, Jennifer Shelley-Rodriguez, Christopher Shields, Kevin Shuvalov, Carol Sims, Ed Small, Martha Smiley, Terral Smith, Todd Smith, Tom Smith, Larry Soward, Jason Stanford, Keith Strama, Bob Strauser, Colin Strother, Frank Sturzl, Russ Tidwell, Trey Trainor, Lisa Turner, John Weaver, Ken Whalen, Darren Whitehurst, Chad Wilbanks, Christopher Williston, Michael Wilt, Alex Winslow, Lee Woods, Eric Wright, Peck Young, Angelo Zottarelli.