

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Tuesday, June 29, 2004
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 8:30 a.m.

Members present: Senators Bob Stenehjem, Randel Christmann, David P. O'Connell; Representatives Rick Berg, LeRoy G. Bernstein, David Monson

Members absent: Senators Michael A. Every, Herb Urlacher; Representatives Merle Boucher, Eliot Glassheim

Others present: Curtis L. Wolfe, Gary J. Vetter, Mike Ressler; Information Technology Department

Maryann F. Trauger, Karen J. Mund, Jim W. Smith; Legislative Council

Jack McDonald, Mary Van Sickle; Community Access TV, Bismarck

David Peske, North Dakota Medical Association, Bismarck

Brad Fay, Bismarck

It was moved by Senator O'Connell, seconded by Senator Christmann, and carried on a voice vote to approve the minutes of the April 12, 2004, meeting of the committee.

NETWORK ACCESS AND OFFICE SUITE SOFTWARE Remote Access

Chairman Stenehjem recognized Ms. Maryann F. Trauger, Manager, Information Technology Services, Legislative Council, for presentation of information on access to the state network by legislators.

Ms. Trauger said effective July 15, 2004, the Information Technology Department will remove the remote access connections to the state network in Fargo, Grand Forks, Devils Lake, Minot, Jamestown, Williston, Dickinson, and Valley City. She said the only access then available will be the Bismarck local dial-up access and the 800# dial-up access. Effective July 1, 2004, she said, the cost of the 800# dial-up access will be reduced from 10 to 7 cents per minute.

Ms. Trauger said the Information Technology Department has recommended that legislators use Internet service providers (ISPs) for access to the state network. As reported to the committee in April, she said, the Legislative Council staff sent a remote access survey to the 137 legislators with notebook computers asking for information on legislator access to a local ISP or digital subscriber line (DSL) service. She said information from the 79 responses to the

survey indicates the cost of an ISP would approximate \$20 per month per user. She said the cost of DSL service would approximate \$50 per month per user.

Ms. Trauger said the amount budgeted for long-distance access charges for legislators is \$4,800 per month. She said the budget also includes amounts for dial-up charges of \$750 per month and miscellaneous network connection charges of \$800 per month. She said this total of \$6,350 per month could be used to provide ISP service up to a level of DSL service where available. From July 2003 through May 2004, she said, dial-up costs have averaged \$2,330 per month.

Ms. Trauger said of the 79 legislators who responded to the survey, 22 (28 percent) do not have access to DSL or similar service. Extrapolating this information, she said, results in a projected cost of \$5,000 per month to provide DSL or equivalent service to legislators. She said the remaining amount could be used to cover the cost of providing regular ISP service to other legislators as well as retaining the 800# dial-up access.

Representative Berg said this is the direction to go in providing legislators with access to the network. He said the time taken to download e-mail through the dial-up service is inefficient and reduces the effectiveness of e-mail as a communication medium.

In response to a question from Representative Monson, Ms. Trauger said legislators are being migrated from Lotus Notes e-mail to Microsoft Outlook 2003 e-mail. She said the Information Technology Department is requiring the use of a VPN client for security purposes and this affects the time for downloading e-mail under Microsoft Outlook 2003. For example, she said, testing by the Legislative Council staff resulted in taking 24 minutes to download e-mail without a VPN client and 34 minutes to download e-mail with a VPN client.

Senator O'Connell said the regular dial-up speed at his residence is 19.1 kilobytes per second and he has subscribed to DSL service.

Senator Stenehjem said not every legislator can get DSL or other high-speed service. He said if a decision is made to provide for service other than 800# dial-up access, each legislator should be contacted with respect to the service.

It was moved by Representative Monson, seconded by Representative Berg, and carried on a roll call vote that legislators be provided with DSL service for connecting to the state network and where that or equivalent high-speed service is not available, service be provided through a local Internet service provider and the 800# dial-up access be continued. Senators Stenehjem and O'Connell and Representatives Berg, Bernstein, and Monson voted "aye." Senator Christmann voted "nay."

Microsoft Office Suite Software

Ms. Trauger reported that Representative Berg requested information on the cost of installing Microsoft Office Suite for legislators and certain legislative staff. She said Microsoft Office Standard, which includes Outlook, Word, Excel, and PowerPoint, can be purchased for \$238.36 per user. With software assurance, i.e., the ability to upgrade without making an additional payment, the cost is \$446.21, which can be paid at \$148.74 per year per user for three years.

Ms. Trauger said Microsoft Office Professional, which also includes Microsoft Access, which is similar to Lotus Approach (which is used by legislators to manage mail lists and other documents), can be purchased for \$295.27 per user. With software assurance, the cost is \$551.79 per user, which can be paid at \$183.92 per year per user for three years. For the 155 users in the Legislative Assembly area, she said, the one-time cost for Microsoft Office Standard ranges from \$36,945.80 to \$69,162.55 and for Microsoft Office Professional ranges from \$45,766.85 to \$85,527.45.

Ms. Trauger said in order to obtain and install Microsoft Outlook e-mail on legislators' notebook computers, Microsoft Exchange Client licenses were purchased, which include the option to use Outlook. She said the cost was \$75.87 per user, spread over three years at \$25.29 per user per year. She said this license is required to have access to the Exchange server--the server for Outlook e-mail. She said this license is mandatory no matter what other Microsoft software is used. Although the Exchange Client licenses and Microsoft Office licenses both include Outlook e-mail, she said, the products are considered to be two different products and one cannot be exchanged for the other nor can one be used as a credit for the other.

Ms. Trauger said replacing the Lotus SmartSuite software with Microsoft Office Suite software raises the issue of converting existing documents created by legislators with Lotus SmartSuite. She said the Legislative Council staff is looking for reliable conversion software to test. Another issue, she said, is adequate time to test, convert, and install Microsoft Office Suite for all legislators before the 2005 legislative session. She said it takes one day to migrate four legislators from Lotus Notes e-mail to Microsoft Outlook 2003

e-mail. She said legislators have been scheduled into September to complete the e-mail migration.

In response to a question from Representative Berg, Ms. Trauger said the training required for acquainting legislators with Microsoft Outlook would need to be lengthened in order to train legislators on the features of Microsoft Office Suite. She said the immediate need is to continue the migration of legislators to Microsoft Outlook. She said it also will take time to adequately test how Microsoft Office Suite will work with other legislative software programs.

Representative Monson questioned the cost figures for acquiring Microsoft Office Suite. He gave the example of recently purchasing a Dell computer and installing Microsoft Office for an additional \$79. Ms. Trauger said the cost figures were obtained from vendors approved by the Information Technology Department and were checked with department staff. She said the \$79 Office upgrade may have been because the upgrade was with the purchase of a new computer and the upgraded suite package may not have the same features as the stand-alone package.

In response to a question from Senator Christmann, Ms. Trauger said although a normal replacement schedule for notebook computers may be three or four years, the notebook computers acquired for legislators are higher-end computers that have the capacity for projected software upgrades for six years. Thus, she said, legislators' notebooks are on a six-year replacement schedule.

In response to a question from Representative Berg, the assistant director summarized the discussion as proceeding with the migration of legislators to Microsoft Outlook 2003 while the Legislative Council staff continues to review and test Microsoft Office Suite and its compatibility with legislative programs and its potential fit with the infrastructure analysis being conducted of legislative branch information technology applications.

It was moved by Representative Berg, seconded by Senator Christmann, and carried on a voice vote that the migration of legislators from Lotus Notes e-mail to Microsoft Office 2003 e-mail be continued and completed and the Legislative Council staff be requested to continue to review issues with replacing Lotus SmartSuite with Microsoft Office Suite.

SESSION ARRANGEMENTS

Television Coverage

Chairman Stenehjem recognized Ms. Mary Van Sickle, Executive Director, Community Access Television. Ms. Van Sickle distributed copies of her presentation, a copy of which is on file in the Legislative Council office.

Ms. Van Sickle said Community Access Television provides programming over the local public, education, and government channel, which is

Channel 12 in the Bismarck-Mandan cable system and is delivered to 25,000 subscriber households.

Ms. Van Sickle said Community Access Television has been operating since 1987 and provides 400 hours of local government meeting coverage annually. She said Community Access Television has provided live coverage of the North Dakota Legislative Assembly floor sessions since 1989. She said coverage has rotated weekly between the House and the Senate and has included occasional committee meetings. She said live web streaming was added in 2001.

Ms. Van Sickle said Community Access Television will not be able to continue coverage of the Legislative Assembly during the 2005 legislative session. She said the reasons include poor production conditions, e.g., limited camera position options and technical incompatibility; cost, e.g., cost of equipment, staff, and coordination; lack of available air time; and content value, e.g., inability to access committee meetings and determine timely issues.

Ms. Van Sickle said if coverage of the 2005 legislative session is desired, the state would need to provide the camera and operator. Even then, she said, Community Access Television does not have the programming time available for live coverage. She said live coverage would be streamed over the Internet. If the coverage is taped, she said, Community Access Television could fit running the tapes during available programming times.

Ms. Van Sickle recommended that long term, a committee be created to study the feasibility of a state television network or ways to improve coverage of the sessions of the Legislative Assembly. She referred to other states' efforts in providing video coverage of legislative activities. She said one proposal is for committee room coverage of at least two cameras for four committee rooms and three cameras in each chamber.

In response to a question from Representative Berg, Ms. Van Sickle estimated the cost of a camera from \$300 to \$1,000. She said the cost of an operator would depend on the number of hours of coverage. Representative Berg suggested that if the Legislative Assembly needs to provide staff as a camera operator, that could be reviewed and may be provided on a contract basis when Legislative Assembly employment positions are determined later this year.

Chairman Stenehjem recognized Mr. Jack McDonald, Chairman of the Board, Community Access Television, Bismarck. Mr. McDonald said Community Access Television provides the signal for the Information Technology Department to stream video over the Internet. He said this is a valuable aspect and provides more than just local programming of Community Access Television. If the Legislative Assembly is responsible for determining coverage, he said, this could give flexibility to determine which issues are important and would be

covered and coverage could be scheduled accordingly.

In response to a question from Senator Christmann, Mr. McDonald said taping of floor sessions and delivery of those tapes to other community access stations across the state was tried in the past but was not successful. Although coverage could be streamed over the Internet, he said, downloading that coverage and then rebroadcasting it by other community access channels is technologically difficult and quality is not preserved.

Senator O'Connell said he does not endorse the idea of legislators determining which issues should be covered.

Organizational Session Agenda

The assistant director reviewed the proposed agenda for the legislative organizational session. He said the agenda was based on the 2002 organizational session agenda. He said the proposed agenda continues the convening of the organizational session at 1:00 p.m., which was first done in 2002. He said the start at 1:00 p.m. on Monday allows legislators to travel to Bismarck on Monday morning rather than on Sunday. He said the 1:00 p.m. agenda provides orientation classes for freshman legislators and computer training classes for veteran legislators beginning at 9:00 a.m. He said the third day of the agenda provides for each house to convene at 8:30 a.m. so the Governor's budget message can be presented at 10:00 a.m. and the Legislative Assembly can adjourn at 10:45 a.m. He said the Budget Section will be scheduled to convene at 11:00 a.m. and complete its work by 5:00 p.m., just as was done in 2002. He said a change needs to be made in the agenda as presented to the committee in that at 1:15 p.m. on Wednesday there would not be staff available to provide word processing training to veteran legislators because that staff would be providing computer training to new legislators. In addition, the note concerning Legislator's Automated Work Station (LAWS) system training and limiting classes to 36 legislators should be revised so that classes are available for up to 49 legislators at a time. He said the LAWS training is scheduled for Monday, January 3, 2005.

The assistant director said the specific changes from 2002 include modifying the times for orientation presentations on Monday, December 6, at 9:00 a.m. by increasing the time for the presentations by 15 minutes and modifying the times for orientation presentations on Tuesday, December 7, at 2:15 p.m. by increasing the time for the presentations by 10 minutes.

It was moved by Senator O'Connell, seconded by Senator Christmann, and carried on a voice vote that the legislative organizational session agenda providing for a 1:00 p.m. convening of the

Senate and House be approved with revisions as described.

Addresses and Reports

The assistant director said the committee traditionally has authorized the Legislative Council staff to contact the Governor with respect to arrangements for the State of the State address to a joint session of the Legislative Assembly on the first legislative day. He said the committee also has authorized the Legislative Council staff to contact the Chief Justice with respect to a presentation of the State of the Judiciary address to a joint session on the second legislative day.

The assistant director described the past process whereby a representative of the Indian tribes has been invited to address each house of the Legislative Assembly on the third legislative day of each session since 1985.

The assistant director described the committee's traditional responsibility of indicating a preference for a report by the chairman of the Legislative Compensation Commission to each house of the Legislative Assembly. He said the report has been given in written form to the presiding officers since 1993.

The assistant director said North Dakota Century Code (NDCC) Section 4-24-10 requires 13 agricultural commodity promotion groups to file a uniform report at a public hearing before the standing Agriculture Committee of each house. He said the report must be filed between the 1st and 10th legislative days. In 2000 and 2002, he said, the Legislative Management Committee designated the second legislative day the Agriculture Committees meet as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report. He said this would equate to Friday, January 7, 2005.

The assistant director referred to NDCC Section 54-60-03, which requires the Commissioner of Commerce to report between the 1st and 10th legislative days to a standing committee of each house of the Legislative Assembly as determined by the Legislative Council with respect to the department's goals, objectives, activities, measurable results, and commerce benchmarks. He said in 2003 this report was given to the Industry, Business and Labor Committees on the second day those committees met. He said this would equate to Monday, January 10, 2005.

It was moved by Senator Christmann, seconded by Representative Monson, and carried on a voice vote that the Legislative Council staff be requested to contact the Governor with respect to the time for a joint session to hear the State of the State address by the Governor on the first legislative day and to contact the Chief Justice to make plans for the State of the Judiciary address to a joint session on the second legislative day; that the Legislative Council staff be requested to

invite a representative of the Indian tribes to address each house of the Legislative Assembly on the third legislative day; that the Legislative Council staff be requested to notify the chairman of the Legislative Compensation Commission that a written report of the commission should be submitted to the presiding officer of each house in lieu of an oral report to each house; that the second legislative day the Agriculture Committees meet, Friday, January 7, 2005, be designated as the day for a joint hearing by the Senate and House Agriculture Committees to receive the report of the agricultural commodity promotion groups under NDCC Section 4-24-10; and that the Commissioner of Commerce report to the Industry, Business and Labor Committees on the second day those committees meet, Monday, January 10, 2005.

Doctor of the Day and Chaplaincy Programs

The assistant director reviewed a letter from Mr. David Peske, Director of Governmental Relations, North Dakota Medical Association, extending an offer from the Medical Association to provide physician services to legislators during the 2005 legislative session through the doctor of the day program. He said physicians from around the state will be volunteering for this program and providing basic care services on most days in which the Legislative Assembly is in session. He said the Medical Association is planning to arrange for two health screening days, with health professional staff from both local health care organizations checking blood pressure and cholesterol levels in January and April.

The assistant director described the chaplaincy program in effect during the 2003 legislative session. He said the Bismarck and Mandan Ministerial Associations traditionally have been asked to schedule chaplains for opening prayers for both houses each day of the session. Since 1984, he said, a letter has been distributed to all legislators giving them until December 31 to schedule clergy from their home districts, after which the schedule prepared by the local ministerial association would be followed. He said this letter is included in the packet of informational materials distributed to legislators during the organizational session. He said the local ministerial association did express some frustration during the 2003 session with last minute changes to the chaplaincy schedule.

It was moved by Representative Monson, seconded by Senator O'Connell, and carried on a voice vote to accept the offer of the North Dakota Medical Association to continue the doctor of the day program during the 2005 legislative session under the same arrangements as in the past, to invite the Bismarck and Mandan Ministerial Associations to schedule chaplains for opening prayers for both houses each day of the 2005

legislative session, and to request the Legislative Council staff to distribute a letter to all legislators notifying them they have until December 31 to schedule out-of-town clergy to give the opening prayer any day of the session for their house, after which the schedule would be followed and preemption would not take place.

Legislative Tour Guide Program

The assistant director said for the past 14 legislative sessions there has been a tour guide program to coordinate tours by high school groups during the legislative session.

It was moved by Senator O'Connell, seconded by Representative Berg, and carried on a roll call vote that the Legislative Council staff be authorized to hire a tour guide and an assistant tour guide during the 2005 legislative session to be paid from Legislative Assembly funds. Senators Stenehjem, Christmann, and O'Connell and Representatives Berg, Bernstein, and Monson voted "aye." No negative votes were cast.

USE OF THE CHAMBERS

The assistant director reviewed a letter from Ms. Penny Miller, Clerk of the Supreme Court, requesting use of the House chamber on Monday, September 27, 2004, for the admission to the bar ceremony. He said the committee has approved use of the House chamber by the Supreme Court for admission to the bar ceremony in the past.

It was moved by Representative Berg, seconded by Senator Christmann, and carried on a voice vote that the committee approve the request for use of the House chamber by the Supreme Court of North Dakota.

The assistant director reviewed a letter from Mr. Christopher J. Ebertz, Operations Officer, 439th Engineer Battalion, United States Army Reserve, requesting use of the House chamber on July 10, 2004, for a welcome home ceremony for the returning members of the 439th Engineer Battalion. He said the letter described the unit as consisting of 37 soldiers and approximately 200 people were expected to attend the ceremony.

Representative Berg said there needs to be care in allowing the chambers to be used for various venues.

Representative Monson said the 439th is not the only military unit from North Dakota deployed to Iraq. He suggested that the Brynhild Haugland Room could be an option rather than the House chamber.

Representative Bernstein said it would be an appropriate way to recognize the contributions members of the military from North Dakota make in defending the country abroad.

It was moved by Representative Berg, seconded by Representative Bernstein, and carried on a voice vote that the committee

approve the request for use of the House chamber for the ceremony welcoming the 439th Engineer Battalion.

LEGISLATIVE FACILITIES

Brynhild Haugland Room Chairs

The assistant director referred to a chair on display in the committee room. He noted that at the April meeting of the committee, the committee requested the Legislative Council staff to present a chair replacement proposal at the next meeting of the committee. He said four local vendors--Classic Interiors, Inc., Fireside Office Plus, Roughrider Industries, and Woodmansee's--were contacted with the description of the chair. He said the prices submitted by the local vendors range from \$126.90 per chair to \$174 per chair. He said there is a catalog price of \$99.70 per chair but the chair does not appear to be exactly the same type of chair proposed for that room. He proposed selection of the local vendor submitting the lowest bid proposal for the chairs--Classic Interiors, Inc.

Chambers and Memorial Hall Folding Chairs

The assistant director said prices were solicited for padded folding chairs to be used in the House and Senate chambers as well as Memorial Hall. He said the four local vendors contacted with respect to the Brynhild Haugland Room chairs submitted proposals on the selected padded folding chair and the prices range from \$58.95 to \$94.69 per chair. He said a similar type of chair from the catalog vendor was \$26.75, but it provided for a riveted rather than welded brace. He recommended selecting the local vendor that submitted the lowest bid proposal for the folding chairs--Classic Interiors, Inc.

The assistant director recommended 150 flexback stacking chairs be ordered for the Brynhild Haugland Room and the funds remaining from the \$30,000 appropriation for chairs be used to acquire folding chairs.

It was moved by Representative Berg, seconded by Representative Monson, and carried on a roll call vote that the committee accept the proposal by Classic Interiors, Inc., for 150 flexback stacking chairs at \$126.90 each and the proposal by Classic Interiors, Inc., for folding chairs at \$58.95 each, with the colors to be determined by the Legislative Council staff recognizing the current decor of the House and Senate chambers and the Brynhild Haugland Room. Senators Stenehjem, Christmann, and O'Connell and Representatives Berg, Bernstein, and Monson voted "aye." No negative votes were cast.

Brynhild Haugland Room Sound System

The assistant director reported that after the April meeting of the committee, the staff of the Facility Management Division prepared specifications for a

replacement sound system for the Brynhild Haugland Room. He said bids were solicited from the vendors previously expressing interest in the sound system upgrade and two bids were received--one for \$16,600 from Audio Systems Company and one for \$19,700 from North Star Audio Consulting. He said the project was awarded to Audio Systems Company and work has commenced in the room.

No further business appearing, Chairman Stenehjem adjourned the meeting at 9:35 a.m.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director