

POLICY ON USE OF PERSONAL COMPUTERS BY LEGISLATORS

This policy governs use of privately owned personal computers by legislators while in the chambers or legislative committee rooms and of state-owned personal computers assigned to legislators for accessing legislative information systems.

USE OF EQUIPMENT OR SERVICES FOR POLITICAL PURPOSES

Special attention is directed to North Dakota Century Code (NDCC) Section 16.1-10-02, which provides that no person may use any property belonging to or leased by, or any service that is provided to or carried on by, the state or any state agency for any political purpose. "Political purpose" means any activity directly undertaken by a candidate for any office in support of the candidate's own election to such office; or aid and assistance to any candidate, political party, political committee, or organization, but does not include activities undertaken in the performance of a duty of state office. In addition, Section 44-08-19 provides that no public employee may engage in political activities while on duty. "Political activities" for purposes of that section include any form of campaigning or electioneering, such as arranging for political meetings, distributing campaign literature, soliciting or canvassing for campaign funds, and any other form of political work usually and ordinarily engaged in by state officers and employees during primary and general election campaigns.

North Dakota Century Code Section 54-03-26 provides that a member of the Legislative Assembly who is assigned a computer may use that computer and its associated equipment and software for any use that is not in violation of Section 16.1-10-02 upon payment of a computer usage fee established by the Legislative Council. The authority to establish this fee was delegated by the Legislative Council to the interim Legislative Management Committee.

USE OF PRIVATELY OWNED PERSONAL COMPUTERS Compatible Equipment and Software

A legislator may use a privately owned personal computer to access legislative information systems only if:

1. The personal computer is not used in the legislative chambers.
2. The software installed in the computer is compatible with legislative information system requirements.

3. The legislator assumes responsibility for acquiring any necessary hardware and software required to access legislative information systems available to legislators.

Private Arrangements for Support

A legislator who uses a privately owned personal computer to access legislative information systems shall pay a fee determined by the Legislative Management Committee for training, installation service, or other support services from the Legislative Assembly, the Legislative Council, or any other state agency in order to access those systems.

USE OF STATE-OWNED PERSONAL COMPUTERS Authorized Users

As used in this policy, an authorized user is limited to a member of the Legislative Assembly who has been assigned a personal computer, any person authorized by that member to use that member's computer for legislative purposes for that member, and any other person specifically authorized by name by the Legislative Council.

Authorized Uses

An authorized user who is a member of the Legislative Assembly is not restricted in the use of the assigned personal computer and associated equipment and installed software so long as that use promotes computer use skills, does not violate statutory restrictions on use of state property, and does not interfere or inhibit legislative functions as approved by the Legislative Council. Selection of the personal use option outlined below authorizes additional uses not otherwise allowed for state property.

An authorized user may utilize the Internet access provided by the Legislative Council ~~for not more than 60 hours per month. An authorized user who accesses the Internet, under the access provided by the Legislative Council, for more than 60 hours per month shall pay \$6 per month for that use.~~

An authorized user who accesses the Internet has an obligation to use this access in a responsible and informed way, conforming to network etiquette, customs, and courtesies.

Each user is individually responsible for the content of any communication sent over or placed on the Internet. To maintain the security of legislative hardware and software, a user of the Internet may not download application software or freeware without prior authorization from the Legislative Council staff.

Authorized Uses - Personal Use Option

A legislator who selects the personal use option for authorized uses and pays the computer usage fee established by the Legislative Management Committee may use the computer and its associated equipment for any use that is not in violation of NDCC Section 16.1-10-02 upon accepting and complying with these conditions of use:

1. I will not use the computer and its associated equipment and software for any political purpose, which means any activity directly undertaken by a candidate for any office in support of election to office, or aid and assistance to any candidate, political party, political committee, or organization, but does not include activities undertaken in the performance of a duty of state office (see Section 16.1-10-02).
2. The software installed on the computer by the Legislative Council staff is necessary for access to North Dakota's legislative information system. A portion of this legislative software was installed before I received the computer, e.g., ~~Lotus Notes and SmartSuite~~, or may be installed or upgraded immediately preceding a legislative session, e.g., LAWS system software.
3. My use under Section 54-03-26 will not require the removal of legislative software and is subject to the requirements for any upgrades in that software.
4. My use will not require additional memory or disk space.
5. I am responsible for the cost of installing nonlegislative software, maintaining nonlegislative software, and obtaining end user support for nonlegislative software.
6. The Legislative Council staff is not responsible for installing, maintaining, or supporting any nonlegislative software.
7. I may be responsible for paying the costs in reinstalling legislative software that does not function properly as a result of loading nonlegislative software on the computer.
8. The Legislative Council staff may remove any nonlegislative software in order to properly install, reinstall, or operate legislative software.

Completion of Training Courses

An authorized user shall complete training courses provided by the Legislative Council staff with respect to legislative information systems or other applications of installed software. Completion of required training courses is a prerequisite to being assigned a personal computer.

An authorized user who has not first completed the training course in the application for which assistance

is being sought may not request or receive technical assistance or software support from the Legislative Council staff or agents of the Legislative Council.

Ownership of and Access to Information

The hardware assigned to an authorized user and the software installed in that hardware before assignment to the authorized user and upgrades to that software are property of the State of North Dakota. Any information entered by an authorized user may be a public record under NDCC Section 44-04-18, but is subject to the exceptions to public record access as provided by Section 44-04-18.6, e.g., a record of a purely personal or private nature, a record that is attorney-client communication, and a record that reveals the content of private communications between a legislator and any person.

An authorized user acknowledges that use of electronic mail (e-mail) does not necessarily ensure privacy of e-mail messages. For example, a deletion command does not necessarily mean a document has been eliminated from the computer system or that there is not a record that a message has been transmitted. Also, e-mail messages might be used as evidence that there has been a violation of law or policy.

Maintenance and Support

The Legislative Assembly or Legislative Council is responsible for providing reasonable maintenance and support of personal computers and associated hardware provided by the Legislative Assembly or the Legislative Council, software installed on computers before assignment to authorized users, software provided by the Legislative Council for access to legislative information systems, and software specifically authorized by the Legislative Management Committee or Legislative Council for installation on personal computers assigned to authorized users.

Upon payment of a fee equivalent to the desktop support analyst rate of the Information Technology Department or otherwise established by the Legislative Management Committee, an authorized user may request the Legislative Council staff to provide training, installation service, or other support services for hardware not provided by the Legislative Assembly or Legislative Council or for software not installed by the Legislative Council or persons authorized by the Legislative Council if the staff has experience or knowledge in the use of the hardware or software for which the user is requesting assistance.

The authorized user, or any unauthorized user, as applicable, is responsible for the cost of repairing state-owned equipment or authorized software damaged as the result of negligence or abuse, or of installing unauthorized equipment or software, including the cost of

repairing any equipment or software adversely affected by the unauthorized hardware or software.

Neither the Legislative Assembly or Legislative Council nor any other state agency is responsible for installing any additional software or computer memory or storage requirements necessitated by a user's installation of unauthorized hardware or unauthorized software or an authorized user's maintenance of an unreasonable number of files.

Prohibited Uses

An authorized user may not install software on assigned hardware unless a copy of the license agreement for that software is filed with the Legislative Council. An authorized user may not replace or attach hardware to assigned hardware without advance notice to and approval of the Legislative Council staff.

An authorized user may not sell or provide to any other person any state-owned computer and associated hardware assigned to that user; sell, copy, provide to, or download for any other person any software loaded on or provided with assigned computer equipment; or sell or provide any access to legislative information systems to which that user has been authorized or granted access.

Notification if Hardware Damaged or Lost

The authorized user shall notify the Legislative Council staff as soon as possible after any damage to or loss of the assigned personal computer or associated hardware.

Liability for Use

The authorized user assumes responsibility for any damage or loss resulting from use of the hardware and software by the authorized user and by any

unauthorized user of the assigned hardware and software. The authorized user is not responsible for any damage or loss resulting from complying with policies or practices of the Legislative Assembly. If practicable, the Legislative Council staff shall arrange for repairs under any applicable warranty.

Return of Hardware and Software

Hardware and associated equipment, along with software installed by the Legislative Council staff or persons authorized by the Legislative Council staff, must be returned to the Legislative Council upon the authorized user's death or resignation or retirement from the Legislative Assembly and upon recall of the hardware or software for replacement or trade-in of hardware, upgrade of software, or reassignment to another member of the Legislative Assembly. In case of resignation from the Legislative Assembly, recall for replacement or trade-in of hardware or upgrade of software, recall for reassignment to another legislator, or death of the authorized user, the authorized user or personal representative, as appropriate, shall return the hardware and software within 30 days of the resignation, recall, or death. In case of retirement from the Legislative Assembly, the authorized user shall return the hardware and software before December 1 of the year preceding the regular session of the Legislative Assembly.

Before return to the Legislative Council as required under this policy, the authorized user shall delete any unauthorized software, shall delete any files personal to that user, and shall place the software in a condition as near as practicable to the software provided to that user upon receipt of the hardware and software from the Legislative Council.