

POLICY ON USE OF COMPUTERS BY LEGISLATORS

This policy governs use of privately owned personal and tablet computers by legislators while in the chambers or legislative committee rooms and of state-owned personal and tablet 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 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 undertaken in support of or opposition to a ballot measure or 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.

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 Management. The authority to establish this fee was delegated by the Legislative Management to the Legislative Procedure and Arrangements Committee.

USE OF PRIVATELY OWNED COMPUTERS Compatible Equipment and Software

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

1. The personal or tablet 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 or tablet computer to access legislative information systems shall pay a fee determined by the Legislative Procedure and Arrangements Committee for training, installation service, or other support services from the Legislative Assembly, the Legislative Council, or any other state agency to access those systems.

USE OF STATE-OWNED 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 or tablet 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 or tablet 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 Procedure and Arrangements Committee. Selection of the personal use option outlined below authorizes additional uses not otherwise allowed for state property.

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.

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 Procedure and Arrangements Committee may use the computer and its associated equipment for any use that is not in violation of 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 undertaken in support of or opposition to a ballot measure or 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 is necessary for access to North Dakota's legislative information system. A portion of this legislative software was installed before I received the computer 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 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 may remove any nonlegislative software to properly install, reinstall, or operate legislative software.

Completion of Training Courses

An authorized user shall complete training courses provided by the Legislative Council 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 or tablet 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 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 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 Legislative Council-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 email does not necessarily ensure privacy of email 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, email messages might be used as evidence that there has been a violation of law or policy.

Maintenance and Support

The Legislative Assembly or the Legislative Council is responsible for providing reasonable maintenance and support of personal and tablet 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 Procedure and Arrangements Committee or the Legislative Council for installation on personal and tablet computers assigned to authorized users.

Upon payment of a fee established by the Legislative Procedure and Arrangements Committee, an authorized user may request the Legislative Council to provide training, installation service, or other support services for hardware not provided by the Legislative Assembly or the 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 the 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 personal computer hardware without advance notice to and approval of the Legislative Council. An authorized user may not replace or modify the personal or tablet computer operating system with a custom operating system. An authorized user may not replace or attach hardware to assigned hardware without advance notice to and approval of the Legislative Council.

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, including LAWS, to which that user has been authorized or granted access.

Notification if Hardware Damaged or Lost

The authorized user shall notify the Legislative Council as soon as possible after any damage to or loss of the assigned personal or tablet 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 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 or persons authorized by the Legislative Council, 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.

Computer Replacement or Trade-In

Hardware and associated equipment, along with software installed by the Legislative Council or persons authorized by the Legislative Council, must be returned to the Legislative Council to receive replacement hardware and associated equipment.

The Legislative Council will transfer an authorized user's documents located in the device's standard locations onto the replacement hardware. The authorized user will be responsible to reinstall any nonlegislative software.

Purchase of Replaced Computers

As Section 54-03-26 states, the Legislative Management may establish a policy under which a member of the Legislative Assembly who has paid the computer usage fee under subsection 1 may purchase the computer used by that member upon the replacement of the computer by the Legislative Council. To be able to purchase the computer, the member must have paid the computer usage fee for at least 12 months prior to the replacement.

Every effort will be made to provide the exact computer used by the member. This may not be feasible if hardware failures are occurring on the device and no other replacement machines are available.

The exact method used to distribute computers will follow the same procedures used when providing the computers to the State Surplus Property Division for redistribution. The purchased personal computer will be provided without any software, and the tablet computer will be erased and reset to factory settings. The personal computer will be sold to the member, formatted without any operating system or software installed. This is done to ensure no state-procured software licenses will be transferred. The purchaser will be responsible to acquire any needed technical support; acquire software copies; install any original equipment manufacturer operating systems; install any application software; and install, transfer, or move any data. Each personal computer has an original equipment manufacturer certificate with product key located on it authorizing only that software to be installed without fee.

Each member purchasing the replaced computer at the rate provided by the Legislative Procedure and Arrangements Committee shall read and sign a memorandum of understanding stating no warranty is expressed with the device; the device is sold as is; no software will be provided; no member of the Legislative Council will attempt to install, transfer, or move data to the purchased computer; no support will be offered for hardware or software issues; and the purchasing member will be responsible for any technical support needed to install an operating system or application software.