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OMB/RECORDS MANAGEMENT DIVISION

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2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2026

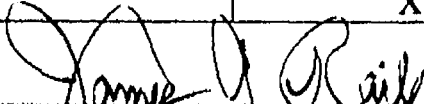
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2026

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 12, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-19.2
1		X	29.9-37.2
January 26, Tape 1		X	15.5-26.8
Committee Clerk Signature 			

Minutes: Chairman Krebsbach called the committee to order. The clerk called the roll. All members were present. At this time Chairman Krebsbach opened the hearing on SB 2026. Appearing before the committee to introduce the proposed legislation was Senator Aaron Krauter, District 35. This is an interim bill that came out of the interim committee on government services. He indicated his testimony is based upon the legislative council report that came out. The interim committee was assigned a couple of different topics but this is a bill that came out of a topic that was relating to state agency office space needs. That was a study resolution that was from last session where we studied the issues across the state of ND, basically Bismarck, Fargo, and rural communities of office spaces, the costs and how state government fits into them. The report showed us some real interesting things and as we went through that we really came to the ideas about technology and how that has advanced in the state. Number one how we as a state, in state government need to take the lead in a role and set by example, and set by good example of how we can potentially telecommute. In that example we learn that there are

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some existing things happening in state government today. Two examples are on page 81 of the interim report. Number 1, the state is currently doing some things in the Department of Human Services where we have an individual who lives in Bottineau, working out of a county courthouse there and is basically the manager for the EBT System in North Dakota. A second example is in the city of Watford City with cross consulting there and the ITD Department that has some programmers that work in that area and work as programmers for the department but they are doing that in Watford City and they are telecommuting. Out of that discussion we came to the bill draft that you have in front of you. During the interim based on our discussions we came up with another addition that we want to see added to that technology plan. That is the wording that you have in front of you in the bill today. Senator C. Nelson if there was in anything in statute now that prohibits agencies from using telecommunicating? Senator Krauter indicated that there was not to his knowledge. He thinks it's kind of exciting that agencies will look at this potentially and tweak them. The only thing that is relatively close to this in that currently under statute the budget section can ask agencies when they prepare their budgets in OMB to do certain things. In June of this previous year the budget section made a motion requesting agencies to provide a form, a telecommuting form, if there is a new FTE, a new program or a new building. That has been done in this current biennium, excuse me in this current budget cycle. That binder is available in the appropriations hearing room. There were no further questions for Senator Krauter. Appearing before the committee was Allen Knudson with the Legislative Council Staff. He indicated he was the staff person for the committee during the interim. He indicated that the bill amends the section related to what is required to be a part of the information technology plans to include information on telecommuting. There were no questions from the committee. Wade Williams representing the North Dakota Association of

Counties appeared before the committee. A copy of his prepared testimony is attached. No questions were offered by members of the committee at this time. Appearing before the committee in opposition to the bill was Nancy Walz, Associate Director for the Information Technology Planning at ITD. A copy of her written testimony is attached. She indicated that she is not opposed to telecommuting or the idea behind this amendment, however, she wished to cover three points. First of all a lot of information is already collected in the IT plan. As you can see from the guidelines, everything that an agency does with regard to technology is covered there. Agencies have to tell us if they are adding telecommunication lines or if they are adding equipment for employees and things like that. The second point is that with telecommuting a lot of the decision making process is not a technology decision. It is broader than that. It has to do with employment practices, finding people to do the job the agency has and relates a lot more to personnel decisions. The technology piece of that is really a small part of that. To include that in your IT plan, well it really doesn't fit very well. Her third point was that if we do need to include information about telecommuting positions in the IT plan the place to do that would be in the plan guidelines. That information can be added through the process of creating guidelines.

Senator Mathern, Ms. Walz, in these kinds of movements of moving work to where people are at, is there anything in the guidelines that keep the jobs in North Dakota? Say for example a state employee does EBT really well and this personnel situation was such that this person was moved to Mankato, Minnesota. Is there any difference between that person working for the state of ND in Mankato or Bottineau in terms of being to transfer the information and do the job? Ms. Walz indicated that she was not aware of anything there. There might be costs involved and that would have to go into the cost benefit analysis of hiring that employee. Certainly we have connections at a number of locations in the state and so having people employed at those

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locations is probably less expensive than adding the additional costs of telecommunication outside the state. Further questions were offered to Ms. Walz from Senators T. Mathern, Dever, C. Nelson, and Wardner (Meter #'s 11.1 to 17.0) Ms. Walz offered responses to each inquiry. There were no further questions. Chairman Krebsbach asked if there was further testimony in opposition to SB 2026. Corey Fong representing the Secretary of State's Office presented testimony in opposition to SB 2026. A copy of his written testimony is attached. There were no questions offered from the committee. No further testimony in opposition to this bill was offered. Chairman Krebsbach closed the hearing on SB 2026.

Tape 1, Side B, January 12, 2001 (Meter #'s 29.9 to 37.2) --Committee Discussion was held on SB 2026. Senator T. Mathern Madam Chairman, I had the feeling that there were two conversations going on; one is the legislative council is really trying to make a point for state agencies to start pushing the public policy of getting people into the work of telecommuting and then the other issue was kind of the administrative issue of the plans and should they include this or not if this is the appropriate place. I guess I can see the difficulty of including that in these plans. I also think it's important that we as a legislature set some sort of direction and I think that they'll set the direction of state agencies starting to look at employing people that are not sitting in an office some place in a state building. In some case I hear the objections but I'm thinking we ought to be supportive of this. But, figure out a way to deal with the objections. Senator Wardner indicated he concurred with Senator Mathern. He'd like to take a look at HB 1035 and see what they are doing there and then if it does what they are saying that it might do maybe we can act on it at that time. Maybe we should wait and see what happens to HB 1035 in the house before we do anything. I'd like to see us hold this bill. Senator Kilzer indicated that he was impressed with Nancy Walz's testimony about an inflexible mandate and he indicated

that he doesn't like the addition of that must address the feasibility because there are various agencies who fit very well for going with this type of thing and workers comp is one of them, but there are other agencies where physical presence is necessary in one location for the people working there and he would hate to mandate that agency to have to come with an explanation of their position every two years. I just don't like it. Senator C. Nelson, indicated she does think OMB was told that on all the positions they had to include the possibility of that particular position being a telecommuting position and if we've done it with probably the largest employment agency, you know maybe we can learn from that. Maybe there is another way to word this that doesn't sound so dictatorial yet says in that activity plan that you shall include telecommuting positions if applicable or something like that. I think there is a better way to write this. She indicated she thinks she knows what they are getting at, she knows what they are trying to do and she kind of likes what they are trying to do but there must be a better way to write it. A few more comments were made about holding this bill until the committee sees what is being done with HB 1035. Further discussion will take place at a later date. On January 26, 2001 Chairman Krebsbach reopened the discussion on SB 2026. The committee indicated that there was some relation to HB 1035 which relates to state employee telecommuting incentive programs. An agency head may submit a proposal to the suggestion incentive committee established under sections of code to locate a state employee away from central office settings of the agency. In so doing there would be an incentive on that. The chairman indicated what she thought Senator Krauter is aiming for is putting something in code. However, from the feelings of the people dealing with this they want this to keep this area free from that type of administrative restraint. What they want this for is to be just a technology plan and any management of that they would prefer that it be in other places. That was her interpretation.

Senator Mathern indicated he believed that was the correct interpretation. Basically this is a policy question. Do we want to get our folks out of our big cities and work in the smaller communities or not? Certainly the managers of the IT system see that as an infringement on their prerogative. If we were just basing it on that it would make sense that we not pass the bill. But if we are saying even though that's a problem for our IT people it is good that people work outside of Bismarck and Fargo for the state then we have to pass this bill. Discussion ended and Senator T. Mathern moved a Do Pass on SB 2026, seconded by Senator C. Nelson. Comments were made by Senators Dever and Mathern. Roll Call Vote indicated 3 Yeas, 3 Nays, 0 Absent or Not Voting. The motion fails to pass. A motion for Do Not Pass was made by Senator Wardner, seconded by Senator Kilzer. Roll Call Vote indicates 3 Yeas, 3 Nays, and 0 Absent or Not Voting. Again the motion fails. Senator T. Mathern moved to send the bill to the floor without a committee recommendation, seconded by Senator C. Nelson. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. Senator Wardner will be the carrier of the bill.

