MAINE STATE LEGISLATURE

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120th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY
MAY 7, 2001
APPROVED JUNE 27, 2001

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Council meeting to order at 12:42 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

Speaker Saxl said the purpose of the Council Meeting was to review the "Part II" Budget for the Legislative Council.

Speaker Saxl asked that everyone join with him in a moment of silence in memory of Julie Read-Marsh, an Analyst in the Office of Policy and Legal Analysis, who passed away Saturday evening, May 5, in Belfast. Ms. Marsh was diagnosed with cancer shortly after giving birth to a son three months ago.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Review of 2002-2003 "Part II" Legislative Budget Requests

Mr. Clair was asked by the Speaker to lead the Legislative Council through the budget discussion. Mr. Clair said back in the fall they initiated a process to develop, not only the Part I Budget proposals, but also any Part II proposals that offices might have for the Council's consideration. That list had been amended many times, the most recent of which, was last week. The Technology Committee met and reviewed approximately $3.5 million in proposals. He referred Council members to the information in their packet, which represented $4.3 million for the next biennium over a series of different requests, including two different looks from the Technology Committee. A "Priority A" list that sums to $2.5 million and a "Priority B" list that sums to about $400,000. Those amounts are about $2.9 million of the $4.3 million. The Technology Committee met last week, reviewed the "Priority A" list and of the members present, endorsed it. They did not endorse the "Priority B" list. The Committee believed those items could wait. What follows is about $1.4 million of other requests from various offices. There are session positions, upgrades, and expenses related to the Law Library's move. The rent being paid for that move and some shelving needed in the new facility. That is how it rounds off to $4.3 million in total.

Speaker Saxl asked if members wanted to move through the information item-by-item in an expedited fashion to see whether they wanted to move anything out. He said that they would assume that everything in the information is in, then if they want to move it out, that can be done, have a discussion, and take a vote. Speaker Saxl asked if that was the preferred way to go through the information or did Mr. Clair have any suggestions. Mr. Clair said that was fine, he wanted to let them know that Mr. Mayotte was distributing information from the Technology Committee that gave more detail on the "Priority A" items. Sen. Bennett agreed but wanted to make sure it required an affirmative vote to approve the supplemental budget requests. Rep. Bruno asked if the plan was to go line by line as to what the Technology Committee already had? Speaker Saxl answered they did not have to. Rep. Bruno was concerned they would hear the same thing over again and he understood that to be the purpose of the Subcommittee, for the subcommittee to make recommendations and thought a quick explanation of where they were going would be sufficient. Speaker Saxl asked Sen. Treat to take them through the Technology recommendations.

Sen. Treat said the Technology Committee met and the information before the Legislative Council is the unanimous position of the Committee. She referred members to information in their packet. The first 3 pages were the first priority items, the last page was a lower priority which the Committee was recommending not to fund. She said they could go through any item if someone had specific questions. There were

2 positions being requested, the rest deal with automating the committees, the legislative bill status program, and the migration from the WANG. The Committee moved items around to postpone some items into a future year because they would not be able to do it all over the summer. For example, automating the Chambers, had been pushed to the 121st legislative session in terms of individual Senators being automated at their desks. It was the Committee's judgment that the items in "Priority A" are really needed and the items in "Priority B" could wait. One item discussed as possible being on the "Priority A" was Legislative staff remote access, the ability to dial in and do things on the State computer. The Committee determined it would be making a recommendation for the Legislature's own Internet connection. We would have better access without having it directly on the computer and you could go through a Web-base. Rep. Bruno convinced the Committee they did not need to fund that piece because they would have the functionality they wanted without spending extra money. With the changes both in the technology outside the State House and also the changes recommended in the "A" part, that would be happening even without the additional spending, so concluded to put that in the "B", for not funding at all or consider it later.

Sen. Bennett asked if everything under "A" had been determined by the Subcommittee as absolutely necessary to do now? Sen. Treat said some had been pushed out to the 2nd year of the biennium, but it was an integrated program and all the members had agreed to what was listed. He thought it was a lot of money, that phase one of the migration had not yet been finished yet, and he believed they needed to look closer before putting $1.6 million in for phase 2 and he could not support the additional funding request.

Speaker Saxl asked Rep. Bruno if he was part of Subcommittee, Rep. Bruno replying that he was. He supported the request because thought it was the intent of the Legislature to become automated, and it could not get there unless some of the requested items were funded. If the Legislature did not want to be automated, that was okay, it had functioned for over 100 years without being automated, and could continue, but if it wanted to move into the 21st Century, the request was needed. There were places to cut in the "A" recommendation, and funding could also come from other sources. Look at the entire Legislative budget, make cuts, and arrive somewhere close to that number. He believed that in order to move forward, they had to at least fund Fiscal Year 02 to keep moving in the right direction. If it were the goal to get a laptop for every legislator, it would cost $900,000. Every Legislative Council, for the past 3 or 4 years had been saying the Legislature needed to automate, and this would be the direction they need to go.

Speaker Saxl then asked about broadcasting on the Internet, why it was put in B priority items, do you have any plans to do broadcasting and how does that impact the Chamber?

Sen. Bennett asked the status of moving the Legislature off from the Bureau of Information Services system on to its own. At a previous Legislative Council meeting, that was talked about as a way of saving money because the Bureau was charging $35 - $36 a month to get a service that had not functioned for the last 4 or 5 days, and believed it is outrageous to be paying that amount of money. Sen. Treat said the Legislature needed to migrate off the Wang, they don't sell parts for it anymore, they were missing deadlines for advertising. At their last meeting, recommendations about getting off from BIS, was the direction they were going, but BIS wanted the opportunity to return with additional information showing it would be to our financial disadvantage to make that change. The Committee did not see that, asked them to get information to us before this meeting, and she asked if that had been provided. Mr.

Clair said he and Mr. Mayotte met with Commissioner Waldron and the Director of Information Services, last Friday and did have their estimate. He felt it important to point out that he disagreed with part of their analysis, and believed Mr. Mayotte did as well. He maintained they could do it at the same costs they told the Technology Committee. They wanted to identify the staff resources that would be applied towards it, considered it an incremental exercise, and approached it differently than they did. The Administration was not going to fight the issue of breaking away from the Wide Area Network, but professionally thought we were making a mistake in doing that because we would not have the same level of service, and it would be more expensive than we were estimating. We believed we had options that preserved the kind of Wide Area Network connections that we needed, especially for fiscal purposes. Sen. Treat explained where the Committee was going, unless they got new and persuasive information from BIS that indicated our numbers were wrong, we would be recommending to the entire Council that they go ahead with the earlier proposal to have a direct access and believed members of the Committee agreed. They needed to look at the information and make sure it did not change their minds, but they were pretty clear on making that recommendation and was in the "Part A" recommendations given to the Legislative Council today. Speaker Saxl asked what the timeline was of the Council's decision on leaving BIS, and Mr. Clair said it could be at any time. The Speaker said the Part II Budget decisions were not contingent upon confirming that day they would be leaving BIS and Mr. Clair agreed. Speaker Saxl said although he agreed and appreciated the work of the Subcommittee, they could defer the final decision. He asked if there was further discussion about the Part II, Part A priority recommendations of the Technology Committee. Sen. Treat wanted to clarify the Committee agreed it was a "B" priority. Speaker Saxl recognized that and was the reason he asked Clerk MacFarland whether it was a priority of the Chambers and she agreed the Legislature needed to automate before that was done.

Motion: To accept the targeted "A" increases for the Part II Budget for Technology. (Motion by Sen. Treat, seconded by Rep. Bruno, 8-2 in favor).

Sen. Bennett had concerns about items in the request. Speaker Saxl had concerns as well, and also had concern about some that were not included. He asked Mr. Clair to coordinate with the Senate and House to schedule another meeting for later in the week to finish the Part II recommendations.

Item #2:   **Authorization for the Executive Director to enter in an agreement with Cost Management, Inc., licensed construction economists, for estimating services in connection with the State House/North Wing renovations.**

Speaker Saxl asked Mr. Clair to explain to the Council, his and the Speaker's recommendation. Mr. Clair said they were in a very critical phase in the renovations project overall, and they had been undergoing a process with the design team and the construction team of reviewing where they were to date with the South and West Wing projects. As the North Wing project is kicked off, hopefully in late June, the most important thing to him was where they stood financially. With the guideline as expressed by Stan Fairservice, the construction team and the design team, it would be approximately $5.50 million. Mr. Clair estimated the resources right now were below that amount. Cobbled together with the way the reserved fund would be used we could get to an amount that approached the $5.50 million, but it spoke about the problems keeping on schedule and if there needed to be some rethinking of the North Wing project - not that it would look dramatically different, but if they needed to find ways to make sure the project stayed on scope - it was brought to his attention that the Bureau of General Services had used a firm called Cost Management, Inc. They

refer to themselves as construction economists, were used on the Psychiatric Treatment facility to make sure, as the bids came in, there was a way to have a second opinion, to take a look at the architectural design work, the systems work, etc. in order to see where you could cut back and have plans like that make sense, look at the schedule to make sure the 2nd Regular Session process would go smoothly, etc. This person was recommended to Mr. Clair and he asked him to put together a response to a request for services which he had done. He also asked him to estimate the maximum cost for an intensive effort to have him go over the construction documents page-by-page and then meet with both the design team and construction team to poke holes in the documents before us and this firm was willing to do that.

Speaker Saxl asked if there were questions.

Motion: The Legislative Council authorize the Executive Director to enter an agreement with Cost Management, Inc. (Motion by Sen. Bennett, second by Rep. Schneider, unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 1:07 p.m. (Motion by Sen. Bennett, second by Rep. Colwell, unanimous).