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Legislation faces computer glitch

By Jim Ash, Palm Beach Post Capital Bureau
Thursday, April 24, 2003

TALLAHASSEE -- With less than two weeks left in the legislative session, not only are House Speaker Johnnie Byrd and Senate President Jim King on different wavelengths, so are their computers.

Dark-suited lobbyists and blue-jeaned advocates alike are nervously watching the glacial progress on the budget standoff between the two chambers.

But what ultimately may bring the legislature to a crashing halt is an apparently buggy House computer system, its problem communicating with its Senate counterpart, and the \$2.9 million game of legal chicken that the House is playing with the computer's vendor.

House attorneys have been ordered to appear Wednesday before Leon County Circuit Judge Charles Francis to show him why he shouldn't allow Hayes Computer Systems of Tallahassee to confiscate 14 powerful computer servers and 22 computer workstations, as well as licensed software, for nonpayment by the House.

That day, the same equipment will be in overdrive, tracking thousands of pages of legislation that normally flow between the chambers in the last frantic days of the session.

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"We really don't want that to happen, but the simple answer is pay us the money," said Tampa attorney Don Conwell, who represents Hayes.

"I don't know what else to do. They've been using our equipment for the whole session and they haven't paid for it," Hayes President and CEO Karen Martinoff said.

Byrd, R-Plant City, has downplayed problems with the "LawMaker" system since Web site troubles cropped up before the session. Last month, House members complained that they were unable to determine how many bills they had filed.

"We're on the bleeding edge of technology," Byrd said last week.

When asked whether the computer problems and the legal dispute could cause a meltdown at the end of the session, Byrd would say only: "I hope not."

Hayes filed suit March 21, asking a judge to force the House to release \$2.9 million from an escrow account that was set aside for incremental payments as phases of the contract were completed.

Byrd's predecessor, former Speaker Tom Feeney, R-Oviedo, signed the contract in October 2001. It called for streamlining the House's bill-tracking, legislative record-keeping and Web site systems.

Feeney's former chief of staff, Paul Hawkes, wrote the contract. Hawkes is now a judge on the 1st District Court of Appeal in Tallahassee, which could eventually hear any appeal in the lawsuit. Hawkes did not return a phone message.

Feeney, who has since become a congressman, also declined to comment about the contract, saying through a spokeswoman only that Hayes was chosen after a competitive bidding process.

Winning bid much lower

According to Conwell, his client's \$2.9 million offer for the job beat two competitors -- IBM and Hewlett-Packard, which bid \$12 million and \$7 million, respectively.

A spokeswoman for Byrd said copies of the bid package were not immediately available, and declined to say whether the House has a contingency plan should the equipment be seized.

House staff are under orders not to comment about the dispute, citing



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the pending litigation. Tampa attorney Steve Burton, who represents the House in the dispute, also was not available to comment.

Hayes has repeatedly asked for a detailed account of the House system's problems and has offered to fix them, but the company has not received a satisfactory answer, Conwell said.

"It's clear to us that they are trying to stall until the end of the session," he said.

Conwell said his client lived up to the terms of the contract and delivered a system that matches the specifications for the job.

Hayes attended a mock session in the House chambers April 4 to try to identify any problems with the system, but did not receive clear direction, he said.

Now the company is concerned that the House has muddied the waters by relying on another computer vendor to rewrite some of the computer code, Conwell said.

House computer experts who gave the system high marks were let go or reassigned when Byrd began his tenure, he said.

Anyone with a computer and a phone line knows that something is amiss with the House system. Visitors to the House Web site are routinely denied access to bills. Even thumbnail biographies of the chamber's 120 members are unavailable.

Meanwhile, thousands of legislative observers have clogged the Senate Web site to read the information it has about House legislation.

The problems could soon become more than just a headache for staff members.

Before any bill can reach Gov. Jeb Bush's desk for his approval or veto, both the House and Senate must agree on a single version of the legislation, usually after it goes through dozens of changes in a series of committee meetings and multiple votes on both floors.

Computers must accurately track and verify every vote and every comma as it changes along the way.

By Tuesday of this week, both chambers had passed only 11 bills and only seven of those had reached Bush's desk, according to the

governor's office.

By Wednesday, the number of bills passed surged to more than 70. That means hundreds of bills are still awaiting a hearing.

While Conwell said he is not aware of any problems the House system is having communicating with the Senate, information managers in the upper chamber are concerned.

Some Senate staff members already have spent hours manually retyping bills or amendments that arrived from the House in language the Senate computer could not translate.

Senate Secretary Faye Blanton, who is in charge of managing the flow of legislation in her chamber, said she is worried that the House has not put its system to the ultimate test, simulating what will happen when the floodgates open between the chambers, and hundreds of House and Senate staff members -- and hundreds of thousands of Floridians -- log on to track the legislation.

"There has been no volume testing done, and that is critical," she said. "What is going to happen is still unknown and that's the scariest."

Blanton's counterpart, House Clerk John Phelps, recently said he was confident that the new system would work. If lawmakers do have to turn from computers to paper, hundreds of bills could die for lack of a vote while the clock runs down.

"We could go back to a manual system, but we have no earthly idea what the impact could be," Blanton said.

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