

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Wednesday, March 8, 2000
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Rod St. Aubyn, Chairman, called the meeting to order at 1:00 p.m.

Members present: Senators Rod St. Aubyn, Aaron Krauter, Gary J. Nelson, David E. Nething; Representatives Merle Boucher, John Dorso, David Monson, Mike Timm

Members absent: Senator Joel C. Heitkamp; Representatives Rick Berg, Pam Gulleeson

Others present: See attached appendix

MINUTES

It was moved by Senator Nelson, seconded by Representative Dorso, and carried on a voice vote to approve the minutes of the November 6, 1999, meeting as distributed.

USE OF LEGISLATIVE CHAMBERS

Chairman St. Aubyn called on the assistant director to review the *Guidelines for Use of Legislative Chambers and Displays in Memorial Hall, North Dakota State Capitol*. The assistant director said in November the committee deferred a request by the North Dakota Family Alliance for use of the legislative chambers and requested further information from Mr. Gregg Boyer, Executive Director of the North Dakota Family Alliance.

Chairman St. Aubyn recognized Mr. Boyer. Mr. Boyer said the North Dakota Family Alliance does legislative work on family values in North Dakota. He distributed an information packet that included a letter from a 1999 City on a Hill participant; correspondence with legislators concerning the 1999 City on a Hill conference; a March 8, 2000, letter to legislators describing the City on a Hill legislative training conference July 24-29, 2000; and a letter from Secretary of State Al Jaeger describing the correction to registration of Mr. Boyer as a lobbyist for Alliance Action rather than the North Dakota Family Alliance. A copy of the packet's information is on file in the Legislative Council office.

In response to a question from Senator Nething, Mr. Boyer said the North Dakota Family Alliance tried to work through legislators for the 1999 conference. He said the goal is to get two students from each legislative district. He referred to the March 8, 2000, letter asking legislators to submit names for the 2000 conference.

Chairman St. Aubyn recognized two participants in the 1999 City on a Hill conference. Mr. Lance Holden, Wilton, said the conference was enjoyable and informative. Ms. Christisa Kendall, formerly of Watford City and now of Mandan, said the conference was an incredible experience.

It was moved by Senator Nething, seconded by Senator Nelson, and carried on a voice vote to approve the request of the North Dakota Family Alliance for use of the House and Senate chambers and committee rooms July 24-29, 2000, subject to availability during any legislative renovation project.

The assistant director reviewed a request from Mr. Doran Eberle, North Dakota Leadership Seminar - Program Committee, for use of the House chamber for the Hugh O'Brian Youth Leadership 2000 North Dakota Leadership Seminar, Saturday, June 3, 2000. He said the committee has approved use of the chamber for this seminar in the past.

It was moved by Senator Nething, seconded by Representative Dorso, and carried on a voice vote to approve the request of the Hugh O'Brian Youth Foundation for use of the House chamber June 3, 2000, subject to availability during any legislative renovation project.

LEGISLATIVE RENOVATION PROJECTS

Voting Systems

Invitation to Bid

Chairman St. Aubyn called on the assistant director who said an *Invitation to Bid - Legislative Assembly Voting Systems Enhancements* was prepared as requested by the committee at the meeting in November. The invitation to bid includes background information on the voting system in each chamber, a request for a base bid, and requests for six alternates. The base bid is for four IBM minitower Model 300 GL computers, four Hewlett Packard LaserJet 4050N series printers, relocation of the voting system printer at each front desk to the page room, a Windows 98 operating system on each computer, and programming for appropriate controls of data base function, printers, and disks, and communications to and from relevant legislative information systems. Alternate A is for replacement of the desktop displays used by the Chief Clerk and

Speaker of the House and the Secretary and President of the Senate. Alternate B is for replacement of the voting system wiring from the voting station at each member's desk to the multiplexer/demultiplexer units, front desk consoles, and wall displays, and replacement of the 162 voting stations. Alternate B1 is identical to alternate B except the voting stations are to be capable of containing small speakers as part of the sound system. Alternate C is for replacement of the four wall vote displays with tricolor light emitting diode (LED) matrix display features. Alternate D is for a wiring interface between the sound system and the voting system for semiautomatic video coverage of the chambers. Alternate D1 is for six cameras and software for semiautomatic video coverage of the chambers.

The assistant director said the base bid and every alternate, except alternate D, includes installation of software with appropriate connections and programming with appropriate interfaces to voting system equipment and voting system and legislative information system software programs. He said appropriate interfaces and programming is vital with respect to any repair, enhancement, or replacement of voting system equipment or software. He said the legislative information systems of the North Dakota Legislative Assembly provide more continuous transfer of information on a "real-time" basis than any other legislative system of which he is aware. He described, as an example, the relationship between the calendar system, voting system, legislators automated workstation (LAWS) system, bill status system, and journal system, i.e., on Wednesday the calendar clerk prepares Thursday's calendar and the calendar is updated on-line and printed that evening for distribution on Thursday; as the calendar items are considered during Thursday's floor session, the Chief Clerk uses the "next item" button on his console to place the next item of business on the wall displays; a legislator uses the "hot key" to display that information on the legislator's notebook screen; and immediately after the vote (when the key is closed), the vote information is transmitted to the LAWS system and is immediately available to legislators, is transmitted to the journal system and is placed in the journal module for that item of business, and is transmitted to the bill status system. If an item is moved to the top of the calendar, he said, the calendar clerk enters that change in the calendar system when the motion is made, the voting system receives that information, and the new item is displayed automatically through use of the next item button by the Chief Clerk.

The assistant director emphasized that few, if any, states provide such automation through real-time transfer of information to other systems for use by legislators and legislative employees during a floor session. He said the old (for North Dakota) method was a "batch" transfer of this information at night for the following day, the manual keying of information by

the Chief Clerk of the House or Secretary of the Senate during the session, and no features such as the hot key for legislators.

The assistant director reviewed the *Description of Components of Bids for Legislative Assembly Voting Systems*. He said the invitation to bid was sent to the two firms that expressed interest in the voting systems--Daktronics, Inc., of Brookings, South Dakota, and International Roll-Call Corporation of Mechanicsville, Virginia--and both firms submitted bids. Because of the substantial difference between the bid amounts, he said, each firm was requested to respond to the description of components. He said this was intended to eliminate any confusion there may have been as to what is included in the components of the base bid and each alternate. He said both firms responded affirmatively to each question, except with respect to alternates D and D1, for which International Roll-Call did not submit a bid.

The assistant director reviewed the *Bid Tabulation - North Dakota Legislative Assembly Voting Systems Enhancements*. For Daktronics: base bid - \$34,700; alternates A - \$349,610; B - \$103,060; B1 - \$122,420; C - \$277,170; D - \$920; and D1 - \$349,800. For International Roll-Call: base bid - \$75,060; alternates A - \$39,800; B - \$43,580; B1 - \$36,000; C - \$180,500; D - no bid; and D1 - no bid, \$7,000 software only.

The assistant director expressed concern about the bids. He said recent experience with the cost of rewiring the chambers was in 1996 when Dell-Comm, a Bismarck firm, rewired the chambers to replace old computer wiring with category 5 wire at a cost of \$79,297.64. He said the current voting system is a Daktronics system, with substantial customization due to the need for interfaces with legislative information systems, and that firm is aware of the features of the current system as well as the needed interfaces with legislative information systems. Although International Roll-Call is a recognized provider of legislative voting systems, he said, that firm may not be aware of the current features and the interface requirements of the North Dakota voting systems. He said each firm was requested to present its bid to the committee.

Daktronics Proposal

Chairman St. Aubyn recognized Mr. Howard Jorenby, Daktronics, Inc., who was unable to attend the meeting but presented the bid through a speakerphone link. Mr. Jorenby said Daktronics started in business in 1970 and is a firm that also provides scoreboard displays and timers. He said Daktronics has approximately 1,000 employees, 100 of whom provide support for voting systems. He said Daktronics installed the current voting system in 1982.

Mr. Jorenby said the proposal is for a more standardized system than currently used in North Dakota, with interchangeable components allowing easier change in the future. Mr. Jorenby said the base bid

includes the computers and printers that were specified, and the printers are network ready. He said the proposed system is year 2000 compliant, and the existing system would be modified and connectivity with the servers on which the legislative information systems are located would be simplified. He said the base bid does not include Ethernet connections because that is part of the State Capitol and Legislative Council network, which should be maintained by network personnel.

In response to a question from Senator St. Aubyn, Mr. Jorenby said he could not speak to the details of the bid from International Roll-Call, but he assumed that the higher base bid of International Roll-Call was due to a larger element of software. He emphasized that even though Daktronics proposal uses a standard voting system core, the software requires substantial customization for North Dakota.

Mr. Jorenby said the proposal for alternate A includes the hardware for the front desks, installation behind brass faceplates, and sloped display screens that do not intrude into sightlines in the chambers. He said the proposal also includes IBM Model 300 computers to drive the displays with Windows 98 and Microsoft Visual Basic applications. He said this would allow connection into other environments with minimal effort, e.g., vote results could be sent by e-mail to reduce paper flow. He said the significant aspect of the proposal is software rather than hardware. For example, he said, the proposal includes changes in the electronics displays between the computers and the LED displays to allow easier serviceability, to allow the complete change in text displayed on the wall displays within one-half second, and to improve the responsiveness of the system.

In response to a question from Senator Nelson, Mr. Jorenby said alternate A includes updates for the message boards which will result in reduced software requirements.

Mr. Jorenby said the proposal for alternates B and B1 includes reduced wiring to the voting stations, even though additional functionality will be added. He said alternate B1 includes a three-inch speaker and power amplifier at each member's desk.

In response to a question from Representative Timm, Mr. Jorenby said the bids on the alternates are based on exclusivity, and if more than one alternate is selected, the bid could be modified to avoid overlap among the bids.

In response to a question from Senator St. Aubyn, Mr. Jorenby said the House and Senate calendar systems are on-line systems and as far as he knows, North Dakota is the only state with such real-time systems. He said the closest would be a state that downloads a supplemental calendar at some point during the day.

International Roll-Call's Proposal

Chairman St. Aubyn recognized Mr. William C. Schaeffer, International Roll-Call, Columbus, Ohio. Mr. Schaeffer said International Roll-Call has been in business since the 1930s but lost quite a few customers in the 1970s. He said the company was acquired by its current president in the 1980s and has made great strides in the last 10 years. He said the sole focus of International Roll-Call has been voting systems for legislative bodies at the local, state, and federal levels. He said International Roll-Call also is expanding into legislative management systems.

Mr. Schaeffer said recent installations include the Alaska Senate, Georgia Senate, Oklahoma Senate, Texas House and Senate, and Washington House. He said International Roll-Call has experience in integrating its product into other voting systems. He said he viewed the chambers before the meeting and visited with Legislative Council staff, and he is comfortable with the base bid.

Mr. Schaeffer said the price for alternate A is based on Microsoft Visual Basic applications. He said International Roll-Call has developed software with great flexibility over the years. He said the software is a core product with executables developed based on experiences with other states. He said a record of each executable allows International Roll-Call to more easily customize software for a particular end user by using the experience gained from customizing options in other states. He said the price includes the programming necessary for the interfaces with the legislative information systems.

In response to a question from the director, Mr. Schaeffer said the main difference between Daktronics and International Roll-Call with respect to alternate A could be software development. He said International Roll-Call's proposal includes modifications to interface its system with the North Dakota legislative information systems as required.

Mr. Schaeffer said the price for alternate B is based on the experience of International Roll-Call of pulling wire at an average cost of \$68 per desk. He said he believes the proposal for wiring is for a daisy chain system, which links members' desks to one another and reduces the amount of wiring, rather than a home-run system, which provides separate wiring to each member's desk. He said their technicians contend more features can be used with this type of technology.

Mr. Schaeffer said there is a computational mistake with respect to alternate B1, which includes only the cost of the voting stations with audio capability. He said an accurate price would be the quoted bid as well as alternate B, for a total of \$79,580.

Mr. Schaeffer urged caution in placing speakers at members' desks. He said Connecticut and the Georgia House of Representatives have such sound systems, with speakers located in the middle of desks. When a member opens a notebook computer,

he said, it muffles the speakers. He said location of the speaker is important, and it should be placed where it cannot be covered or hidden behind materials.

Mr. Schaeffer said the wall displays for alternate C are obtained from AMS. He presented a slide display of examples of installations in other state legislative chambers and the customization needed to maintain chamber decor.

In response to a question from Senator St. Aubyn, Mr. Schaeffer said a real-time interface between the voting system and other legislative systems is one area where International Roll-Call is accelerating its development. He said the only state of which he is aware that records a change in the calendar during the day is Washington, which downloads its revisions as a supplemental calendar.

Senator Krauter said he was concerned about the ability to provide programming and the appropriate interfaces with legislative information systems, but Mr. Schaeffer seems to have answered this concern. He asked Mr. Schaeffer why he refers to voting systems in just one house in other state legislatures. Mr. Schaeffer said most legislative houses act independently of one another and do not cooperate to the extent he sees between the Senate and House in North Dakota. He said the usual situation is for one house to install a voting system and the other house may or may not decide to install a similar system. Senator Krauter said another concern is the service provided by International Roll-Call. Mr. Schaeffer said International Roll-Call provides continual service and support for its clients. He said most changes can be made within 24 hours and a representative from International Roll-Call will be onsite within 24 hours if an onsite visit is required.

In response to a question from Representative Dorso, Mr. Schaeffer said International Roll-Call has established an Internet web site system through which a client can submit an inquiry. He said International Roll-Call responds to the inquiry with information on whether the inquiry is part of a maintenance contract and whether the system can be configured with instructions from the homesite.

In response to a question from Representative Boucher, Mr. Schaeffer said a 12-month warranty is included in the proposal, and a continuing maintenance contract may range from \$3,000 to \$20,000, depending upon the level of service requested. He said most service contracts cover hardware and software for a 12-month term.

In response to a question from Senator St. Aubyn, Mr. Schaeffer said the proposal of International Roll-Call contains no hidden costs. He said International Roll-Call would be responsible for the entire voting system, including what remains of the Daktronics system.

Senator Nelson noted International Roll-Call did not have a presite inspection before submitting its bid,

and he asked Mr. Schaeffer if he has any concerns as the result of viewing the chambers and visiting with Legislative Council staff. Mr. Schaeffer said nothing has changed with respect to the bid, and the front desk displays will be substantially improved as a result of accepting the proposal.

In response to a question from Senator Krauter, Mr. Schaeffer said the staff of International Roll-Call includes four technicians, eight developers, and two sales force personnel.

Chairman St. Aubyn called for discussion on the proposals.

Representative Dorso questioned the need for alternate B1. He said the House and Senate probably would have the same problems other states appear to have in hearing sound from speakers that are placed behind open notebook computers and other materials on legislators' desks.

It was moved by Representative Dorso, seconded by Senator Krauter, and carried on a voice vote that alternate B1 be eliminated from further consideration.

Representative Dorso said automatic video coverage of the chamber would be preferred to cameramen moving around on the floor during the session. He said, however, this capability probably would not stop cameramen from being on the floor.

It was moved by Representative Dorso, seconded by Representative Monson, and carried on a voice vote that alternate D1 be eliminated from further consideration.

Representative Dorso said an interlink between the voting system and the audio system is not needed now, and future technological development may allow a different method of providing video coverage of the floor sessions.

It was moved by Representative Dorso, seconded by Senator Nelson, and carried on a voice vote that alternate D be eliminated from further consideration.

It was moved by Senator Nelson and seconded by Representative Boucher that the committee accept the base bid, alternate A, alternate B, and alternate C as submitted by International Roll-Call Corporation, and that a contract be entered with International Roll-Call Corporation, subject to a 30-day contingency period during which International Roll-Call must assure the Legislative Council chairman that the specifics of the bids include wiring, programming, and interfaces necessary between the voting stations, voting system, and legislative information systems. Senator Nelson requested Legislative Council staff to negotiate with International Roll-Call Corporation a penalty provision for failing to install a voting system that provides the features and transfer of information necessary for a complete, operating voting system. He said the system must be installed in a timely manner and must be useable, and suggested

liquidated damages in the amount of the cost of a legislative session day for each day the voting system is not operable as required. Senator Krauter said the voting system must be installed with the real-time interfaces as needed and the 30-day contingency allows International Roll-Call to review in detail the legislative information systems requiring interfaces with the voting system. Mr. Schaeffer said the first step by International Roll-Call personnel will be to visit the Capitol and review with appropriate personnel the current applications requiring information from or providing information to the voting system. After this discussion, **the motion carried on a roll call vote.** Senators St. Aubyn, Krauter, Nelson, and Nething and Representatives Boucher, Dorso, Monson, and Timm voted "aye." No negative votes were cast.

Audio System

Chairman St. Aubyn called on the assistant director to review the memorandum *Items for Consideration - Legislative Assembly Sound Systems Enhancements*. The memorandum describes proposals received by the Legislative Management Committee during the 1989-90 interim for replacement of the audio system in each chamber. At that time, options included replacing the microphone coil cords, plugs, and jacks; upgrading the entire system with new microphones, preamplifiers, and signal processing equipment; upgrading the system with fixed microphones at each desk, new preamplifiers, and new signal processing equipment; and providing microphone controls at the presiding officer's desk rather than at each member's microphone. The option selected at that time was to upgrade the existing microphone coil cords, plugs, and jacks. The memorandum identifies items for consideration with respect to the microphones and speakers.

The assistant director referred to a letter from Mr. Wayne Mastel, Audio Systems Company, Bismarck, concerning new microphones that are almost identical to the microphones in the chambers, but are constructed with black ABS plastic material. The microphones have a coil cord and the same type of grip-to-talk on/off switch as current microphones. The letter proposed moving the existing Senate microphones to the House chamber and installing all new microphones in the Senate chamber. The letter pointed out the existing microphones could be modified to match the new microphones' frequency response characteristics and thus allow old and new microphones to be used in either chamber. The letter also suggested adding microphones in the House chamber to provide the same one microphone per two-chair installation as is provided in the Senate. A copy of the letter is on file in the Legislative Council office.

It was moved by Senator Nething and seconded by Representative Timm that any new audio system provide one microphone for each

two desks in a chamber, corded microphones, and microphones with grip-to-talk on/off switches similar to the current microphones in use. Representative Monson inquired whether new technology allows for wireless microphones. Mr. Alan Nathan, Tricorne Audio, Inc., Fargo, said wireless microphones can be installed in the chambers, but the microphones would have a base with an on/off switch and the wireless features would be between the member's desk and the audio equipment. He said such microphones would cost double the earlier quoted amount. He said Tricorne Audio does not have any problem with the requirements of the motion. After this discussion, **the motion carried on a voice vote.**

Senator Nething said the existing wall speakers are good for audio on the floor but speakers placed under the balcony or above the balcony could be considered as a method to improve the audio.

Representative Timm said the audio is fine under the balcony, and if speakers were added to boost audio, the people behind the rail probably would talk louder and add to the noise.

Senator Nelson said the presiding officers in the Senate and the House chambers have experienced difficulty in hearing floor debate. He suggested that any audio system include small speakers or some type of enhancement feature to provide better audio to the presiding officers. Also, he said, the current headphones provided to members under the Americans with Disabilities Act should be reviewed, and any new system should provide for a headphone jack at each member's desk and thus allow less obtrusive headphones to be used.

Senator St. Aubyn and Representative Timm emphasized that a small speaker should be installed at the presiding officers' desks.

Representative Dorso said any new system should replace the equipment, replace the speakers, and replace the microphones.

The assistant director suggested the contract for the replacement of the sound system include resurfacing or refinishing the members' desks due to the need for many desks to be repaired, the recently authorized replacement of voting stations, and the replacement of the microphones and jacks with any new sound system.

It was moved by Representative Dorso and seconded by Senator Nething that the Legislative Council staff be requested to arrange for the preparation of bids and solicit proposals for replacement of the sound system in each chamber and the resurfacing or refinishing of the members' desks. Senator Nething suggested that an architect be consulted with respect to involving an electrical engineer or audio consultant to review the audio systems in the chambers and address any "dead spots" when preparing the bid specifications. **The motion carried on a voice vote.**

LEGISLATIVE INTERNSHIP PROGRAM

Chairman St. Aubyn called on the director to review the legislative internship program. The director said the program has experienced declining participation during recent sessions. Although 12 interns were authorized for the 1999 program, he said, only eight participated in the program. He suggested the program be continued on the same basis as authorized in 1999 because of the value of the interns, particularly in preparing amendments for committees. He said the allocation of the interns is eight from the University of North Dakota School of Law, two from the University of North Dakota graduate school, and two from the North Dakota State University graduate school. He said North Dakota State University has not provided an intern during two of the last three legislative sessions.

It was moved by Representative Timm and seconded by Senator Nething that the legislative internship program be continued for the 2001 session on the same basis as it was for the 1999 session.

Senator Nelson said the program seems to work if the deans of the institutions support the program, but the program suffers without their support. He said the Senate had two fewer interns last session, and although expertise in preparing amendments was lost, assistant sergeants-at-arms provided some support services to the committees.

Representative Dorso suggested December graduates be considered for the program in addition to students who are in graduate school or the law school.

The director said there is no shortage of jobs for law school graduates. He said he has looked at the graduate program in public administration the University of North Dakota provides through Bismarck State College, but most of the students participating in that program have jobs.

In response to a question from Senator Nelson, the director said the dean of the law school is supportive of continuing the program even though the pool of eligible students is going down.

Senator Krauter suggested the program be made available to the other institutions in the state. The director said this has been part of the deliberations when the existing institutions cannot fill the intern positions. For past sessions, he said, previous interns have been contacted and have filled positions in the programs when the institutions could not do so.

Representative Dorso suggested the University of North Dakota and North Dakota State University be informed that if the positions cannot be filled, the graduate programs at the University of Mary and Minot State University would be contacted to determine their interest in providing legislative interns.

After this discussion, **the motion carried on a voice vote.**

The director reviewed the stipend provided to participants in the legislative internship program. He said the interns are not "employees" but are students participating in a program for course credit. He said the program is a three and one-half month program and the stipend was \$4,725 in 1997 and \$5,075 in 1999. He suggested the stipend be \$5,250 (\$1,500 per month) for the 2001 program.

It was moved by Senator Nelson, seconded by Representative Dorso, and carried on a voice vote that the stipend for the 2001 legislative internship program be \$5,250 (\$1,500 per month).

DOCTOR OF THE DAY PROGRAM

Chairman St. Aubyn called on the assistant director to review a letter from Mr. David Peske, North Dakota Medical Association, concerning the Doctor of the Day program during the legislative session. The assistant director said the association offered to continue the Doctor of the Day program during the 2001 legislative session and requested permission to proceed with some improvements to the medical services room. The improvements include a newer examination table, privacy curtain, desk, and locking medication cabinet at no charge. There would be no structural changes with these improvements. A copy of the letter is on file in the Legislative Council office.

It was moved by Representative Timm, seconded by Senator Nelson, and carried on a voice vote to accept the offer of the North Dakota Medical Association to continue the Doctor of the Day program during the 2001 legislative session and to authorize the improvements as proposed by the North Dakota Medical Association.

MISCELLANEOUS MATTERS

Senator Krauter requested the Legislative Council staff provide information on the publication of the North Dakota Century Code at a future meeting.

No further business appearing, Chairman St. Aubyn adjourned the meeting at 4:45 p.m.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director

ATTACH:1