

# Some Thoughts on Staffing State Legislatures

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I have been observing legislatures, legislators, and legislative staff since 1966, the start of the so-called "legislative reform" movement. Professional staffing existed before 1966, but the years from about 1966 to 1975 provided the great impetus for the staffing of state legislatures. By the end of the 1970s the staff capacity of legislatures in many, if not most states, had been significantly enhanced.

Since that period of development, growth itself has become an issue. In states like California people are now claiming there is too much staff. As a result of Proposition 24 in California, they are not only talking about it, they are firing every third person! The influence of staff is another issue. A former legislator has made the analogy between professional staff and the Spielberg movie *Gremlins*. Staff, like gremlins, start out as cute little things but wind up as monsters. That is an interesting observation, and perhaps not too far off the mark.

I have a number of other observations about the development of staffing in American state legislatures. These can be grouped in functional terms, in professional terms, and in institutional terms. In generalizing along these lines, I still recognize that each and every state is different, and staffing patterns will differ. The major distinction is between larger and smaller states. I appreciate distinctions and differences, even though I will blur over them in generalizing.

## In Functional Terms

Staff has come to serve a variety of clients, particularly in the larger states. There is staff for individual members, for committees, for party caucuses, and for leaders. The tendency has been for staff support to become dispersed. Democratization has been taking place within legislatures, and staff, like power, has been dispersed. The distribution of staff resources has, in fact, helped distribute power more broadly within the legislature. As legislators acquire staff, they also acquire information — and information is power or pretty near to it. The trend in legislatures has been to disperse staff resources and to disperse power. It is a chicken-and-egg situation. I do not know which came first, but I do know that they are inextricably interwoven.

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Until recently the principal beneficiaries of staff have been the standing committees. Staff made it possible for the legislature, through its standing committee system, to develop expertise and play a more specialized role than otherwise would have been the case. In the last twenty years a very noteworthy development has been the rise of committees as workhorses of the legislature. Twenty or even ten years ago, committees were not nearly as developed nor did they play the kind of role they do today. I do not think committees could have carved out this role without staff support.

This is true in fiscal as well as in substantive areas. Committees have been important, staffs have been important, and specialized networks of committee members, staff members, agency officials, and representatives of groups have come into being. Furthermore, the work that committees do during the interim, either as standing committees or as special committees of a legislative council, is really a function of having staff resources.

Staff has also made a significant contribution to legislative performance in making policy and appropriating funds. It is, at least in part, responsible for the strengthening of the legislature vis-a-vis the executive and for the changed nature of legislative participation in the entire process.

Without staff, it is difficult, if not impossible, to imagine the legislature initiating very many major policies. Without staff, the legislative role had still been one of decision-making. The legislature decided; it could say "yea" or it could say "nay". But today the legislature can truly participate in *formulating* and *shaping* policy, as well as *deciding* on policy. I see this in my own state, New Jersey, where twenty years ago the legislature basically voted yes or no on legislation prepared by the executive. Now, it really gets involved.

In the appropriations and budget area, in particular, staff has had a significant impact. It may be that legislatures only affect budgets at the margins (most budgets, in fact, are only affected at the margins), but the margins are important and legislatures make a difference here. Fiscal staff matters as to what legislatures can do with budgets at the margins.

I was talking recently to the chairman of the Appropriations and Revenue Committee in the Kentucky House of Representatives. Kentucky is not a strong legislative state. It has traditionally been dominated by a politically powerful governor. The chairman told me that in the last round it was the legislature, through its appropriations and revenue committee, that actually formulated the budget. That could not have been done without staff.

The ability of legislatures to do their own revenue estimates, make their own projections, and come up with a figure that can challenge the governor's gives them a tremendous advantage. To estimate revenue is to be able to decide how much to spend. If legislatures have their own estimates, they possess a useful political tool; they can decide to spend more or less (and they normally decide on more) than the executive branch.

Even where individual legislators are not heavily engaged in an activity, (as in the area of legislative oversight by means of performance auditing or program evaluation), staff has made a significant contribution. It may not have a profound effect on life in the legislature, but it has had an effect on the environment and on the process. In some places, like Virginia, it has had a major effect. In any case, it usually has affected executive departments and agencies and how they go about their business.

Just as staff has contributed to policy-making in major areas, it has also been partly responsible for the proliferation of bills being introduced and enacted in legislatures today. Staff is necessary for basic research and bill drafting; staff also promotes legislation. This is probably truer of partisan, caucus, and individual staffs than of central or nonpartisan staffs. Nonetheless, I think the proliferation of legislation can be attributed to the availability of staff resources to draft and research bills. Bills would be proposed anyway, because that is the nature of the legislative environment and the legislative beast. But staff makes it possible for legislators to do more of what they would do anyway — create, introduce, enact. Law-making is in the legislator's blood and, like some marvel of modern medicine, staff gets that blood to circulate faster.

With legislative turnover substantial, legislative tenure on the decline, and members shifting from one house to the other and from one committee to the next, continuity is a real problem. Staff has come to provide much of the continuity and serve as the memory in the legislative institution.

A few years ago, a colleague and I did a study of education policy as it was being treated by state legislatures. We found that although there had been a generation of legislators involved in education policy, that generation was turning over. Not staff, however. Staff had, for the most part, managed to hang on. It had much more continuity in the area of education policy; and that continuity had been very important. Staff, does provide continuity, particularly the central research staffs and the legislative council directors, who constitute the early generation of staff directors. These people have been around for quite some time and when they leave, they cannot be replaced.

Even partisan staff and caucus staff are becoming institutionalized in some places. People are making staffing a career, for years if not a lifetime. Even with some individuals leaving, the staff is the place where the legislative memory now seems to be reposing. I do not think that is all for the good, but that is the way it is.

## In Professional Terms

This is the subject that is probably most important to the staffer and probably least important to me. Nevertheless, there are a number of issues worth raising.

Central service agency staffs have become more bureaucratized in recent years as evidenced by structural changes, the codification of personnel policies, and formalized recruitment procedures. Bureaucratization has resulted in diminished collegiality and problems of morale. Many staffers feel constrained by merit systems, salary structures, supervisory relationships, regulations and administrative codes. On one hand, they see the informality of the legislative process; on the other, they see the increasing formality of their own office. The challenge may be to combine the two: informality, along with the bureaucratization necessary for any large-scale or even medium-size effort, especially one of a public nature.

The entry-level position of a legislative staffer, whether in a nonpartisan service agency or on a partisan staff, is very appealing and promises to remain so. The position offers individuals interesting work, considerable responsibility, some influence, and even competitive pay. I have students who enroll in a one-year program at the Eagleton Institute of Politics and come out with M.A.s. In my opinion, they cannot get a better job than working for a state legislature. It is the best place to learn, and it is a manageable environment. I cannot see any beginning job in terms of responsibility, challenge, and interest that compares with being on a legislative staff. Legislative staffers are involved in politics, they are involved in public policy, and yet they have a professional position with some security attached to it.

Promotional opportunities for staffers increase with time, but not beyond some point. Even with organizational modifications, the administrative structure of a staff agency is bound to be flat. Thus the opportunities to advance in terms of status and supervisory responsibilities are limited.

Several years ago I was visiting with the Florida Legislature, and spoke to the Speaker of the House. He was a "management type," who thought staffers working in the Florida Legislature should spend no more than two years there. By then they would have learned all there was to learn. I was appalled and took issue with the Speaker saying, I did not think if one were in the Florida Legislature for twenty years one could possibly learn all there was to learn. On most jobs, you do not learn all there is to learn in two years or even four years. The job changes, and it changes even more so in the legislature.

Because relationships are constantly changing, challenges always exist. If a new chairman takes over a committee, the relationship between chairman and staffer has to be built again. Building a relationship takes time. Today, even more time has to be spent building relationships because legislators are particularly peripatetic. Any staffer is continuously challenged by having to deal with new and different legislators. That kind of learning never ends.

It is wise, of course, for legislative staffers to develop an area of expertise. As one becomes familiar with the players and processes as well as with the subject area, one acquires considerable influence. I have seen this happen with former students and other staffers, who over the course of years have acquired influence in specific subject areas. It does not take long for a diligent professional to become one of a few influential people on a particular subject in the state.

The really tough thing to come by as a legislative staffer is status. Influence can be developed; achievement and satisfaction can be derived. But on a legislative staff status does not come easily. Not enough administrative positions exist to satisfy status needs.

There are also frustrations. There is the frustration of having to remain anonymous, at least to the public, whatever one's reputation within the narrow circle of decision makers. There is also the frustration of having to work for legislators, for they are difficult people to work for. They are demanding, and after they demand something they do not always pay attention to what they get. No matter what you do, it is an ordeal just to get their attention. Working for legislators can be wearying indeed.

The challenge now and for the immediate future is in the development of legislative staffing as a career. Recent efforts by staff agencies in various states and by the National Conference of State Legislatures have been pretty effective along these lines. It would be useful if the NCSL conducted a study of staffing as a career. Some people have suggested that there be a professional journal to which staff members could contribute. Recently, NCSL established a clearinghouse in Denver, which keeps listings of available staff jobs in the states. More remains to be done.

## In Institutional Terms

It is necessary now for staff to build up their identification with the legislature in which they serve rather than with the area in which they specialize — whether that area is program evaluation, education policy, health policy, or whatever. In my opinion, specialization may already have gone too far, and it may still be going further. There is a need, which is already recognized in some agencies, to rotate people. Thus, after spending three or four years in one subject area, staffers would move on to another. That way, they would not develop quite as strong attachments to specialities and would be available to form stronger attachments to the legislature.

The dispersion of staff has been occurring recently, with the movement toward decentralization and the fragmentation of central staff agencies probably irreversible. This reflects the politicization of the legislature. It seems silly to say that the legislature is becoming politicized. Well, it's becoming *more* politicized. The focus in many legislatures today is more on electoral politics than it has ever been. Campaigning and elections, raising funds for elections, using issues for electoral purposes — all are coming to play a more prominent role. At the same time, legislators are becoming self-centered, individualistic, interested in their own careers and naturally in their reelection.

At the same time, a very interesting phenomenon in state legislatures is the growth in partisan staffing. Recently, I completed a study of forty-four states and found that nearly one-third had ten to twenty staffers for each legislative party caucus. Those are good-sized staffs. A number of the other states had five to nine staffers for each party caucus. So, partisanship is increasing and party staffs are increasing. There is an increase, too, in partisan issues and issues being used for partisan electoral purposes. A number of states also provide staff for individual members. What has been happening in the states is what I call the "congressionalization" of

staff. This is partly a product of legislative reform, but mostly a product of the times.

Lately, there have been assaults on legislative councils in Louisiana and Oklahoma, where the councils were broken up or divided between the two houses. The council has also been under fire in Arkansas. Legislators want their own staffs for their own purposes, and they are getting them. I wonder what will happen in some states after current council directors retire. Will that signal the time for legislators to break up the staffs? Is the only thing holding legislative councils together today the strong directors who have carried over from the past?

The linkage between professional staff and the legislature varies by staff agency. The closer the linkage, the greater staff influence, but the more questionable staff's professional role. Some staff endeavor to move closer to legislators, while others try to maintain their independence. The linkage between staff and legislators is greatest in the case of personal staff and next, in the case of caucus staff. Legislators are closer to those they hire and can fire. The linkage is least, as the function becomes of lesser importance and lesser relevance to members as individuals. The less linkage between the staff agency and the political process, the less legislative support there will be for staff.

For example, the auditing function is of relatively little interest to legislators and consequently the linkage between what auditors do and what the members of the legislature do is not great. Integrating auditing into the legislative process is something that must be worked at constantly. The problem of audit-evaluation agencies today is that they want to be responsive to legislators and yet they want to maintain the independence they need to do their job. If they are too independent, however, there is a question of whether their work will be utilized and whether it will have any impact.

Relatively few legislators are concerned with the overall organization and conduct of staff. Leadership is too busy with other problems to pay much attention to matters of staffing. Legislative leaders are trying to maintain themselves in power, since they are more likely to be challenged today than ever before. One of the things they do to maintain themselves in power is to raise money for the election of members of their caucuses. In more than one-third of the states, as a matter of fact, leaders spend considerable time raising money and allocating funds to their party's incumbents and challengers. This is a far cry from ten or twenty years ago.

Whether leaders or rank and file, legislators are notoriously poor as administrators. I cannot conceive of leaders being bothered by administration or staff organization. In most places, collective mechanisms by which leaders administer the senate and house do not work terribly well. The Joint Committee on Legislative Organization in Wisconsin and the Legislative Service Commission in New Jersey, for example, are not overly effective. Members simply do not participate much in the administrative tasks of these agencies. By contrast, the Joint Committee on Legislative Management in Connecticut, for some peculiar reasons, has been quite effective. The leaders sitting on Legislative Management have taken a responsible role in the overall administration of staff in their legislature.

One needs to devise ways of getting the attention of legislative leaders — getting them involved in the administration and

management of their institution. This is no easy thing to do. Nor am I suggesting that this is something staff can do. Still, it would be nice if it were done.

## Conclusion

Let me conclude by saying that from either a functional or a professional perspective, staff has certainly carved out a significant role over the past two decades. There will always be tension, due to staff turnover and problems of satisfying professionals and keeping them from moving on. But these problems can be worked on, if not worked out.

I am most concerned about the institutional aspects of staffing. The question is how can staff contribute to the legislature as an institution? It is too easy for staff to go in one direction doing its

professional thing and doing it well, while the legislature goes in another direction doing its political thing and doing it well.

Staff should be involved in shaping the institutional orientations of legislators, and getting legislators to take their administrative responsibilities more seriously. Such must be done very tactfully and subtly, or not at all. It depends upon a far better process of orienting legislators. Legislative orientations should not be thought of merely as something for freshmen members as they enter the legislature and need help finding the bill room. Orientation is an ongoing process, a learning experience. It is one that does not stop after the first two weeks of a new legislature, but goes on through the entire first session and then continues after reelection and into the next session.

Legislatures as institutions of representative government are under seige today. Like legislators themselves, members of legislative staffs have a large stake in what happens to the legislature. They will have to give the institution their careful — and I hope, loving — attention.