

## **Ideas for Consideration by the Legislative Council for Study**

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There are two areas of guidance from legislative leadership and the Legislative Council that would be most beneficial to assist the legislative staff in meeting the needs of the Legislature. Those areas could be agenda items for future Council meetings, or topics for working groups or subcommittees:

1. Succession planning and legislative space; and
2. Information Technology direction, including audio and video services.

1. **SUCCESSION PLANNING AND LEGISLATIVE SPACE.** These are two distinct but interrelated topics which I would recommend to be studied together. That would involve requesting that the Department of Administration conduct its statutorily required inventory of legislative space and for the Legislative Council to advise the Department of Administration of the need for legislative space.

### **First topic: Succession Planning and Staffing Levels, Projected Need for Any Growth**

Data as of March 26, 2009, indicates that for FY 2010 and FY 2011, eleven Legislative Services Division (LSD) staff are eligible to retire. This is most pronounced in the Legal Services Office in which 6 legal staff are eligible to retire at any time. The retirements, although daunting, present an opportunity to review the job description and to fine tune it for the future and may require a reallocation of certain duties.

The 2009 Legislature provided the LSD and the Legislative Fiscal Division (LFD) each with two additional FTEs, and also imposed a 2% vacancy savings. The potential plan for LSD is, once the vacancy savings have been realized, to use one of the FTEs for a new attorney position and a new research analyst. LSD was able to contract out for indexing services which freed up another FTE for the legal division. Current thinking is to hire an entry-level attorney and also a mid-level attorney, one preferably with experience in state finance and revenue.

The two legal FTEs will allow some additional capacity to absorb the loss of the Legal Services Director, especially during the 2011 Session, but would also give us the ability to provide additional services to the Legislature and to provide training in areas for which we may have other impending retirements.

The plan includes hiring a new research analyst with a specialty in economics and revenue and perhaps include some knowledge in school funding. This is an area of concern expressed by many legislators, and is also an area with an experienced research analyst who has the impending eligibility to retire.

LSD has maximized its space almost to the limit. In order to accommodate an additional researcher, the configuration of the reception area and Room 137 is the only remaining option for space. Rearrangement of space in the legal division area was accomplished last fall resulting in no additional space on that end. LFD may need to reconfigure its own space to utilize the reception area.

Questions will be raised regarding potential electrical work and construction needed to redesign the reception space for either additional staff or office equipment. This will inevitably involve the General Services Division of the Department of Administration in these decisions on legislative space. Statutes provide some guidance as to the allocation of legislative space.

**Second topic: Legislative Space for Current Staff and to Accommodate Any Future Growth for Legislative Space**

Section 5-2-503, MCA, refers to the consolidation of Legislative Branch entities for specified purposes. This section states:

The legislative council shall allocate office space occupied by the legislative branch for the use of a consolidated entity as necessary. Space occupied by the senate or the house of representatives may not be reallocated, except as provided in 2-17-108.

Section 2-17-101, MCA, grants the Department of Administration the authority to determine the space required by state agencies and to allocate space in buildings owned or leased by the state based on each agency's need. Subject to 2-17-108, the Department of Administration, with the advice of the Legislative Council, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.

Section 2-17-108, MCA, reads:

**2-17-108. Allocation of legislative rooms and offices.** Notwithstanding the provisions of 2-17-101, after each session of the legislature, the department of administration shall conduct an inventory of the rooms and offices in the capitol controlled by the house of representatives and the senate. Legislative space in the capitol may not be reduced without the consent of the legislature. The control of the rooms and offices may not be changed without the permission of the speaker of the house of representatives, the minority leader of the house, the president of the senate, and the minority leader of the senate.

It is unclear whether legislative space includes the three legislative agencies' space, but an inventory of the existing space is necessary as well as some indication of the current and future needs of the Legislature. Legislative agencies lost office space during the renovation of the Capitol building. Currently, Legislative Services Division has 25 permanent staff offices in the basement, of which 19 employees are in cubicles or open offices, and expands for an additional 9 staff members during sessions. Numerous reconfigurations and accommodations to the lighting and ventilation systems have been done to make the basement a suitable working environment

but close quarters and lack of natural light and privacy are issues.

In addition, the Legislative Services Division has experienced many changes in spaces allocated for storage. It is unclear whether there has been a loss or gain, but there have been so many changes each session and interim that it becomes an issue with the Department of Administration. Other issues involve the Capitol building during the session. Problems with lack of communication and disregard for legislative timing regarding maintenance and repair have recently been experienced. The repair and replacement of the elevators in the Capitol building are just an example that affected legislators and the public during the 2009 Session. The repair of the ceiling in Room 303 was scheduled late in the interim and affected the caucus schedule. Requests for the changing of locks to the Senate floor for safety reasons have not been fulfilled. The janitorial and food service contracts were both problematic. And finally, the responsibilities of the various agencies for the wireless guest network remain unclear and have raised concerns regarding support for legislators and the public in the use of the wireless network and what the security needs of ITSD are.

An open dialog with the Department of Administration, an inventory of current space, and planning for future growth of the Legislature and its staff could assist in the resolution of these problems in the short run and prepare for the future.

**2. IT GOVERNANCE AND DIRECTIONS, INCLUDING AUDIO AND VIDEO SERVICES.** A recent contract for consulting services regarding the Office of Legislative Information Technology (OLIT) indicated that there are **governance issues** that require direction. The entities that are needed to provide governance include the Legislative Council; the Computer Systems Planning Council, which has membership from the Executive Director; the Legislative Fiscal Analyst; the Legislative Auditor; the House and Senate; and the Information Technology Director. Another level of governance is the Technical Planning Group that participates in mid-management of the three staff divisions.

Upcoming IT issues involve many systems that support the creation of the Montana Code Annotated, from bill drafting to publication, and the revenue systems and the Legislative Finance Division, including the various appropriation bills and revenue estimating. Many of these IT projects may take multiple biennia and require additional resources and strong legislative support, if necessary.

A second recommendation deals with **TVMT and the audio minutes functions**. The consultants have recommended placing all audio and video responsibilities under a single person. The staff that has dealt primarily with audio minutes, while supporting TVMT, has always been housed in the Office of Legislative Information Technology (OLIT). It is a different skill set and the services have grown more quickly than the staffing patterns. In addition, the LSD Facilities Manager, a contract with HCTV for production, contracted services for sound and electric, a new contract for transmission with the Department of Administration, and a cooperative effort with the Montana Historical Society on archiving are involved. The production contract is nearing the end of its 10-year life cycle and will need a new RFP in the

spring/summer of 2010. Continued negotiation on transmission services have been held since the fall of 2009, and are in current discussion for this biennium. Legislative direction on the vision for the future of TVMT and the use of audio and video streaming, audio minutes, and preserving and archiving electronic records is vital to the best use of its IT resources, especially its staff, and to provide direction on what the legislators want and need for the future.

The Legislative Council, a management advisory committee, and/or a TVMT subcommittee may be helpful in assisting the LSD and the OLIT staff in achieving a vision and direction that the legislators want, empowering the Computer System Planning Council to provide needed input from the House and Senate, and assisting us in planning for the future.

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