



GOING LEAN

Legislative staff are being cut around the country, but some lawmakers worry the fiscal trims are going too far.

BY ALAN GREENBLATT

Time is money, and Jay Emler is worried the Kansas Legislature is running out of both.

Governor Mark Parkinson, as part of his plan to erase a \$400 million shortfall, has proposed cutting the Legislature's operating budget by 9.4 percent or \$2.8 million. That would come on top of an 8.9 percent hit the Legislature took last year.

"If we do that, I believe we will not have enough money to actually fund the 90-day session," said Emler, who chairs the Senate Ways and Means Committee, as the session got underway. "We won't be able to get our job done because we won't have enough money to pay our staff or ourselves, for that matter. It would give us only 83 days."

Emler points out that it wouldn't be so terrible for the Legislature to adjourn a week early, were it not for the fact that lawmakers are going to need the extra time to grapple with the state's continuing budget shortfalls. In the end, lawmakers cut their own pay, but restored about \$550,000 to the legislative budget—enough to pay for roughly 88 days.

It's a dilemma many legislatures are starting to face—again. It's also clear legislatures need

Alan Greenblatt is a news writer for NPR.org and a former staff writer for Governing magazine.

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CHARLES F. REID, CLERK, SOUTH CAROLINA HOUSE

to share the pain they’ve been imposing on the rest of state government. But some legislative staff also think it’s possible that, by cutting their own budgets too deeply, they’ve been pursuing a false economy.

“If anything, during these times you have to make sure you have enough staff to handle the challenges,” says Lorne Malkiewich, director of the Nevada Legislative Counsel Bureau. It has 30 vacant staff positions and the Legislature grappled with a \$900 million budget shortfall for the current biennium. “That’s the quandary we as a state find ourselves in.”

THE BIGGEST LOSER

Some legislatures have seen steeply increased budgets in recent years or have enjoyed major capital improvement programs that spruced up their own quarters. But as legislators now look for savings, they have not hesitated to cut their own budgets. Many legislative chambers have reduced operating expenses by as much as 30 percent. So far, the cuts have mostly been in hiring and salary freezes, as well as reductions in areas such as out-of-state travel.

Legislators and their staffs have, for the most part, managed to make do. “My staff has really stepped up to fill the gap,” says Mitchell Bean, director of the Michigan House Fiscal Agency.

But in addition to people feeling stretched, Bean says there are consequences to having lost 15 percent of his staff positions over the past year. “There are things that we’re no longer doing that we used to do.”

For example, Bean’s agency once routinely provided summaries and analyses of

every bill that came through the Legislature, but it now has to be more selective. He often turns down lawmakers who request special projects if they need to be done in a hurry.

Some people in and around state capitols worry cutting staff and operations budgets further would be pound foolish. Legislative operations make up only a tiny fraction of state budgets—less than 1 percent in every state. Trying to find additional savings within that 1 percent could conceivably put at some risk legislators’ ability to make the smartest decisions about managing the other 99 percent of the state budget.

A LITTLE HERE, A LITTLE THERE

In Washington, lawmakers finally have figured out a way to cut down on their paperwork. They simply can’t afford to print as many documents. The state House printing budget has been cut by \$568,000.

Committee staff no longer produce glossy binders filled with documents for members to leaf through on the dais. Instead, lawmakers read legislation, bill analyses and other necessary materials on their laptops. “We’ve also made that same electronic information available to the public, though the public website,” says Bernard Dean, deputy clerk of the House.

Legislators also more often communicate electronically with their constituents, given a 38 percent cut to their printing and postal budgets. “The cost of mailing a newsletter far exceeds the cost of e-mailing a newsletter,” Dean says.

These kinds of cuts are taking place all over. Legislative staffers in Wisconsin are taking 16 unpaid furlough days during the current biennium. The Florida House, like many other chambers, has imposed a hiring freeze that over the last 18 months has left 40 positions vacant.

Utah legislators traded a recommended pay increase for a 10 percent cut, eliminated some interim meeting days, cut the legislative staff budget by 15 percent and clamped down

on travel, both in-state and out-of-state.

“We as the Legislature took a 15 percent cut,” says Utah Senator Lyle Hillyard. “We bellied up to the bar like everybody else and took our hit.”

The South Carolina House, which cut its budget by 30 percent over the past year, now has 12 full-time vacancies; part-time employees have had their hours cut by 25 percent; and the printing and office supply budgets have shrunk as well. “We only buy one type of pen,” says Charles F. Reid, clerk of the South Carolina House. “Your choices are blue or black.”

In the Washington House, the number of aides hired for the session has decreased, and about 10 year-round staff positions have been eliminated. The staff who remain are taking furlough days. Legislative staff overall accounted for 62 percent of the unpaid days taken by Washington state employees during the first six months of the current fiscal year—an astonishing statistic when you consider that House and Senate personnel together make up just 440 of the state’s 71,000 full-time employees.

That discrepancy won’t last. Lynn Kessler, the Washington House majority leader, notes that other state employees now find themselves facing furlough days, which were imposed this year. Kessler also argues that the Legislature needed to grow more efficient and get out of the business of doing things that private companies should be taking care of.

Kessler says the Legislature, despite the cuts, “is left in a place we’re comfortable

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UTAH SENATOR LYLE HILLYARD



SENATOR
JAY EMLER
KANSAS



SENATOR
LYLE HILLYARD
UTAH



**HOUSE MAJORITY
LEADER**
LYNN KESSLER
WASHINGTON

with. We've just cut back like everybody else," she says. "We are not more important than the private sector people who have been laid off."

WHAT'S TOO DEEP

Legislators certainly understand the symbolic importance of cutting their own budgets during tough times. In several states, including Utah and Missouri, they've foresworn per diem increases. But the dollar amounts involved are not much, as Hillyard notes. And, although reduced staffs around the country have kept their fingers in most leaky dikes, legislative budget cuts are starting to have some practical effects.

The Oregon legislature, which has cut its own budget by double digits for two straight biennia, has set strict limits on when interim committees may meet and is also limiting the number of bills each legislator can introduce during the shorter session. The Colorado legislature has gone one better, banning interim meetings altogether and eliminating funding for some special session days.

"I had a legislator tell me it's ridiculous we're still having staffers take furloughs

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REPRESENTATIVE LYNN KESSLER,
WASHINGTON HOUSE MAJORITY LEADER

when we have to get ready for a special session," to fill Nevada's \$900 million budget hole, says Lorne Malkiewich. "It reaches the point where if you decide to cut more, you impede your effectiveness."

Not all legislators feel short-staffed. Many have been willing to put up with the frustrations involved in slower responses to their requests.

"Considering the magnitude of the cuts, we've been able to hold up reasonably well," says John Strand, Michigan's Legislative Council administrator. "We've basically, to some extent, become incredibly more efficient."

Given its finances and falling economy, Michigan has consistently cut spending for

most of the past decade. As a result, the Michigan Legislative Council staff has shrunk to 106 employees—down by a dozen since 2008 and by a total of 44 since 2003. Strand says the council, which provides central, nonpartisan staff support for both chambers, is "basically hanging in there with fewer people." There are traditional functions, however, that it simply no longer performs, such as offering legal advice to legislators. If his budget is cut by an additional 10 percent to 20 percent—which remains very much a possibility—Strand says further reductions in services will not only be necessary but apparent.

Legislators currently rely on highly trained and specialized staff. Many aides have worked in legislatures for a good number of years. They have been able to take up the slack as so many jobs fall vacant all around them.

But everyone is cutting back on professional development. And, as more positions are cut or left vacant—and as experienced baby boomer staff members reach retirement age and aren't replaced—further budget cuts could result in measurable loss in legislative function.

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AN OVERSIGHT CHALLENGE

Effective executive branch oversight requires time and experience, both of which seem to be in shorter supply in legislatures these days.

One study in California found that, because of term limits, legislators made half as many changes to the governor’s budget than their more experienced predecessors had and offered weaker executive branch oversight in general.

Since the 1970s, a number of legislatures have set up internal agencies charged with conducting ongoing oversight. These typically run into resistance not only from executive branch officials but also from lobbyists and others who wish lawmakers would look the other way.

John Turcotte, director of the North Carolina General Assembly’s relatively new program evaluation division, says his first report, which questioned the necessity of the state’s proliferation of agricultural research stations, “was like setting off a nuclear weapon in the area of Raleigh. Any time you question the necessity of an institution or a major component of a program, you will create massive opposition.”

There are bound to be even greater strains on oversight when the number of statewide employees has grown by 22 percent over the last 20 years, as is the case in Washington, while the number of full-time House employees has dropped by 16.5 percent and the Senate staff by 19 percent.

Some legislative agencies are able to keep their heads above water, given the experience of the staff. The Michigan House Fiscal Agency, for example, has lost nine of 35 staff positions over the past decade. But of the 26 that remain, many have 15 to 30 years of experience. That gives them a breadth of experience and knowledge that wouldn’t be easy to replace.

“I have very senior staff. If I didn’t, there’s no way in the world I could do what

I do,” says Michigan’s Bean. “We’re at the lowest level we’ve been at since this agency was created in the ’70s. I could lose one key person and it would be very difficult to keep up.”

Kansas’ Emler says the risks associated with budget cutting extend to legislators themselves. All legislators understand that increasing their own salaries—a dicey proposition during the best of times—is a non-

starter in the current environment.

Still, such austerity takes its toll over time. Emler notes the purchasing power of a legislator’s salary in his state has gone down by 40 percent since the 1970s.

“You can cut your legislative budget, but if you cut it too far, you’re not going to have good people,” he says. “If you get it down to where nobody’s even making minimum wage, why would they do it?”