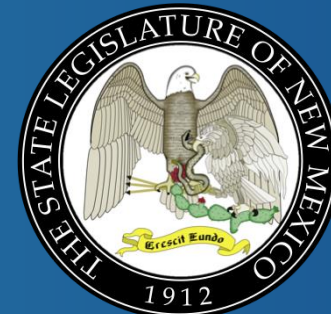


Logistics and Resources Needed For Legislative District or Regional Staff Offices and Operations

DRAFT DISCUSSION



THE FOCUS GROUP
An HMA Company
Research. Strategy. Transformation.
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Introductions to the new faces in the room

The Focus Group

Alex Rich
Managing Director

Patrick Woods
Principal

Katie Dry
Independent consultant

Research and Polling

Brian Sanderoff
President

Architectural Research Consultants

John Petronis, AICP,
AIA, REFP
President, Architect/
Planner

Andy Aguilar
Senior facilities planner

NCSL – Center for Legislative Strengthening

Natalie Wood
Director

Josalyn Williams
Policy specialist

Selena Saucedo
Senior policy specialist



Today's agenda



• Context setting	5 min	Raul Burciaga
• Staffing model recommendation	30-35 min	TFG
• Legislator and staff surveys	10-15 min	R&P
• Inventory of office space	10-15 min	ARC
• NCSL	10-15 mins	NCSL
• Discussions, Q&A	As needed	All
• Conclusion/ thanks	5 min	Raul Burciaga



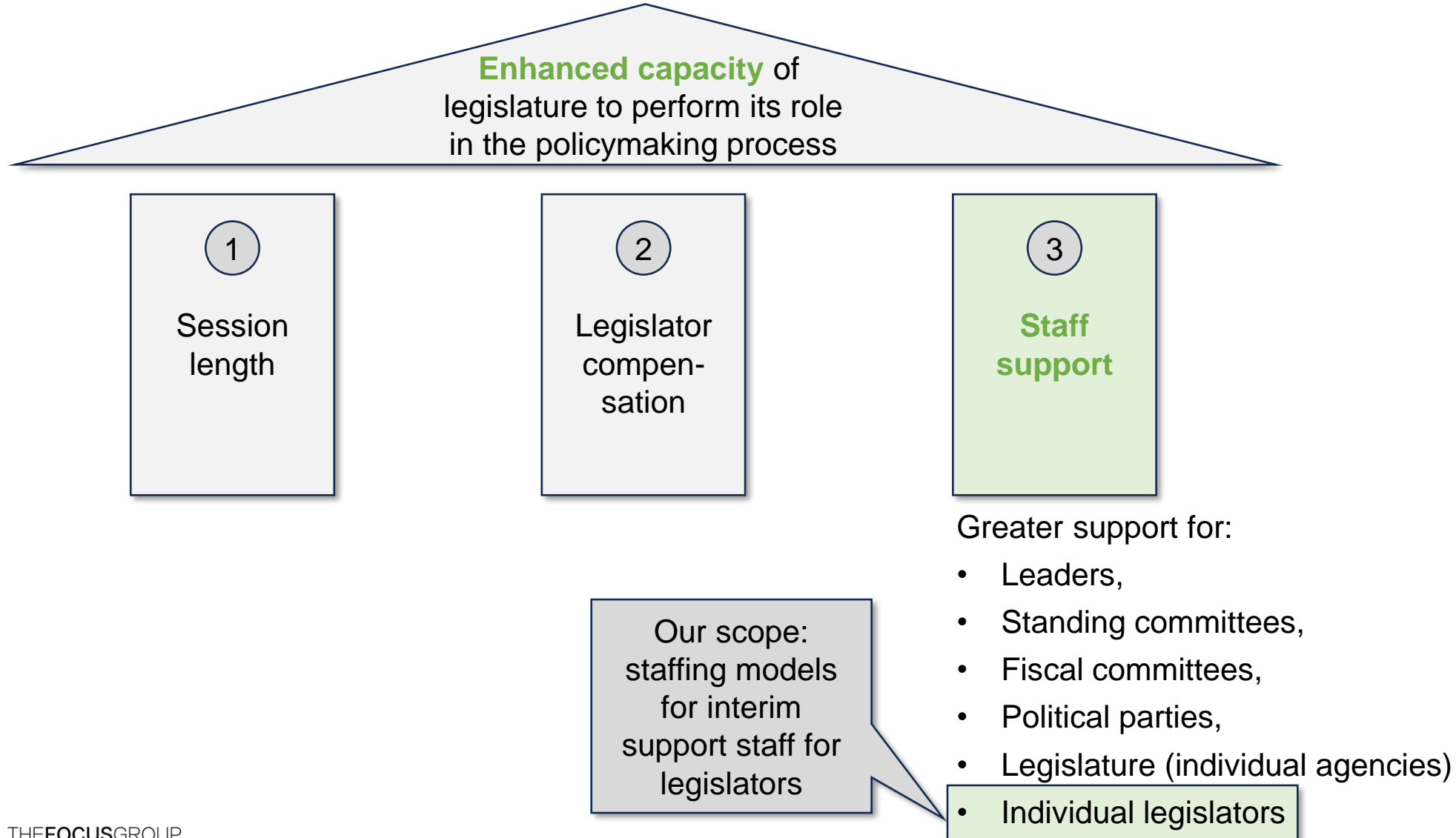
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Context: Staff support plays a strong role in enhancing legislative capacity



We have followed a 3-step approach

Step 1

Compile **academic research** and **review practices from other states**; learn from other states' experiences

NCSL

Analyze the **needs of legislators¹** (e.g., where do they spend their time, do they want to delegate, what will they do with saved time, etc.)

Legislator/ staff survey design and execution

R&P

Step 2

Build 5 **staffing models**, and then identify and describe the most suitable 3 options

Step 3

Describe the **attributes and implications** for 3 models:

- Staffing levels, job duties, location, partisanship, allocation and management, costs
- Statutes, procedures and policies
- Training needs
- Risks and mitigation approaches

Compilation of inventory of all public sector office facilities in NM

ARC

Decision and implementation

1: As outlined in the survey



Most states provide personal staff to their legislators; models and modes of implementation differ

Selection of benchmark states

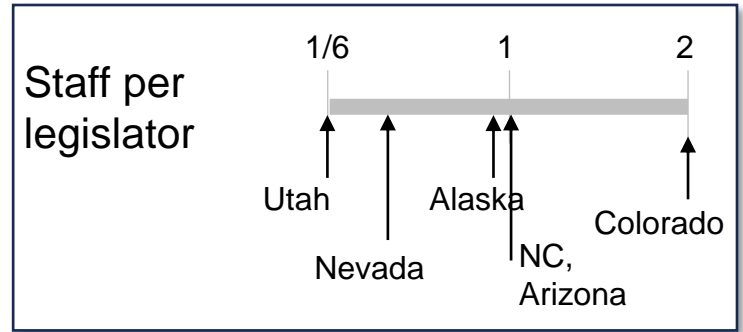
Selection criteria

- a. Guidance from NCSL, State Innovation Exchange (SIX) and the UNM BBER report
- b. Quantitative assessment of similarity based on population metrics, session intensity and staff intensity
- c. Guidance from LCS leadership

Shortlist of states to speak with

Utah	Arizona
Nevada	Colorado
Alaska	Texas
North Carolina	

Choices made by states



How is support provided	Provide staff per legislator	Utah, NC Nevada, Alaska Arizona
	Provide \$	Texas
	Apportion hours	Colorado

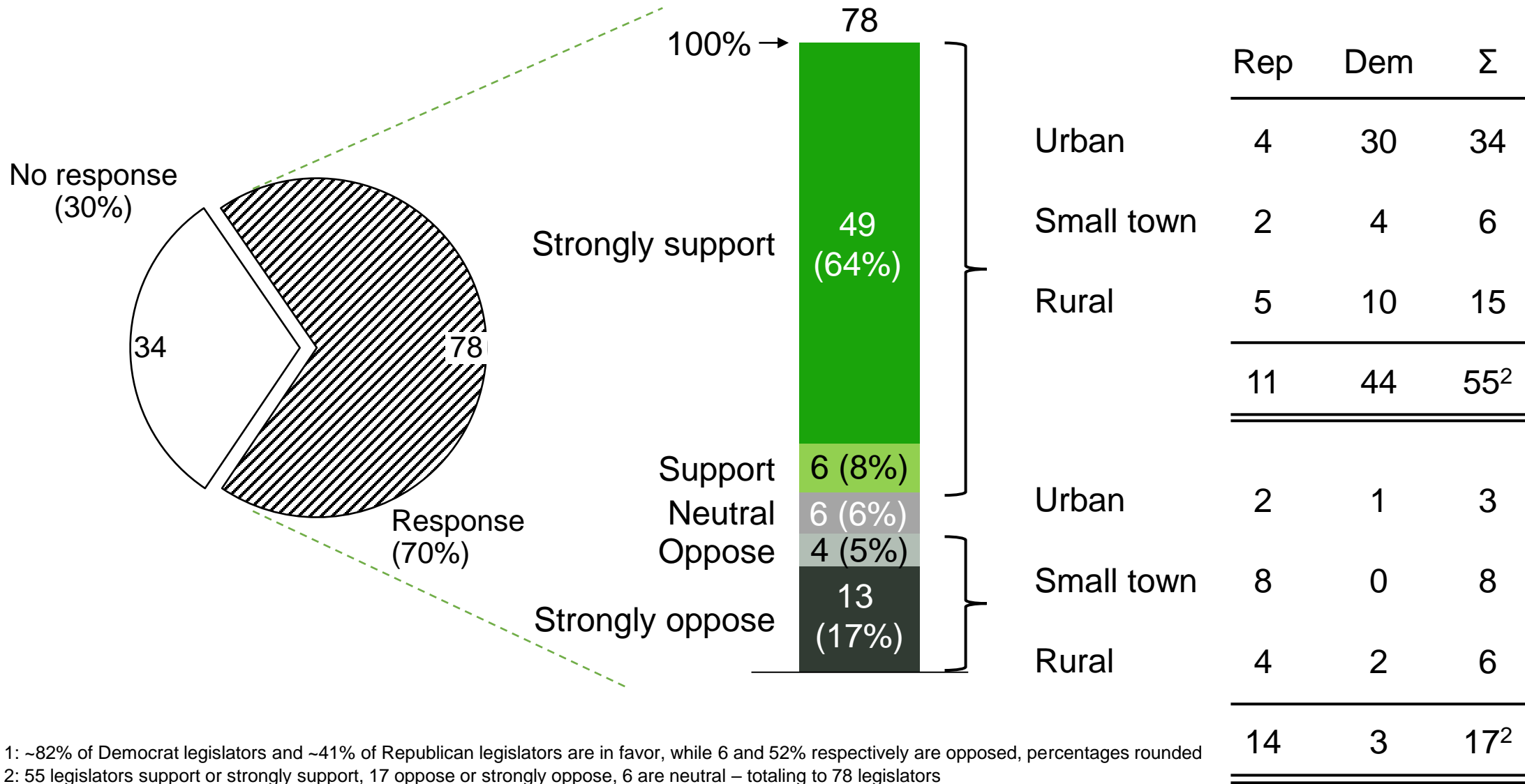
Where	Capitol	Arizona, Colorado, NC, Utah
	Capitol+district	Alaska, Texas
	Capitol+WFH	Nevada

Transferrable insights

- 1 Non-partisan, centrally located legislative staff play a critical and distinct role from personal staff
- 2 5 broad characteristics of staffing model are capacity, location, partisanship, governance and job duties
- 3 No “one size fits all”
- 4 Staffing models often need adjustment
- 5 Effective oversight protects staff and legislators
- 6 Legislators and legislative staff see value in providing personal staff to legislators



112 legislators received survey, ~70% responded and of those responses, ~71% legislators¹ either support or strongly support the addition of personal staff



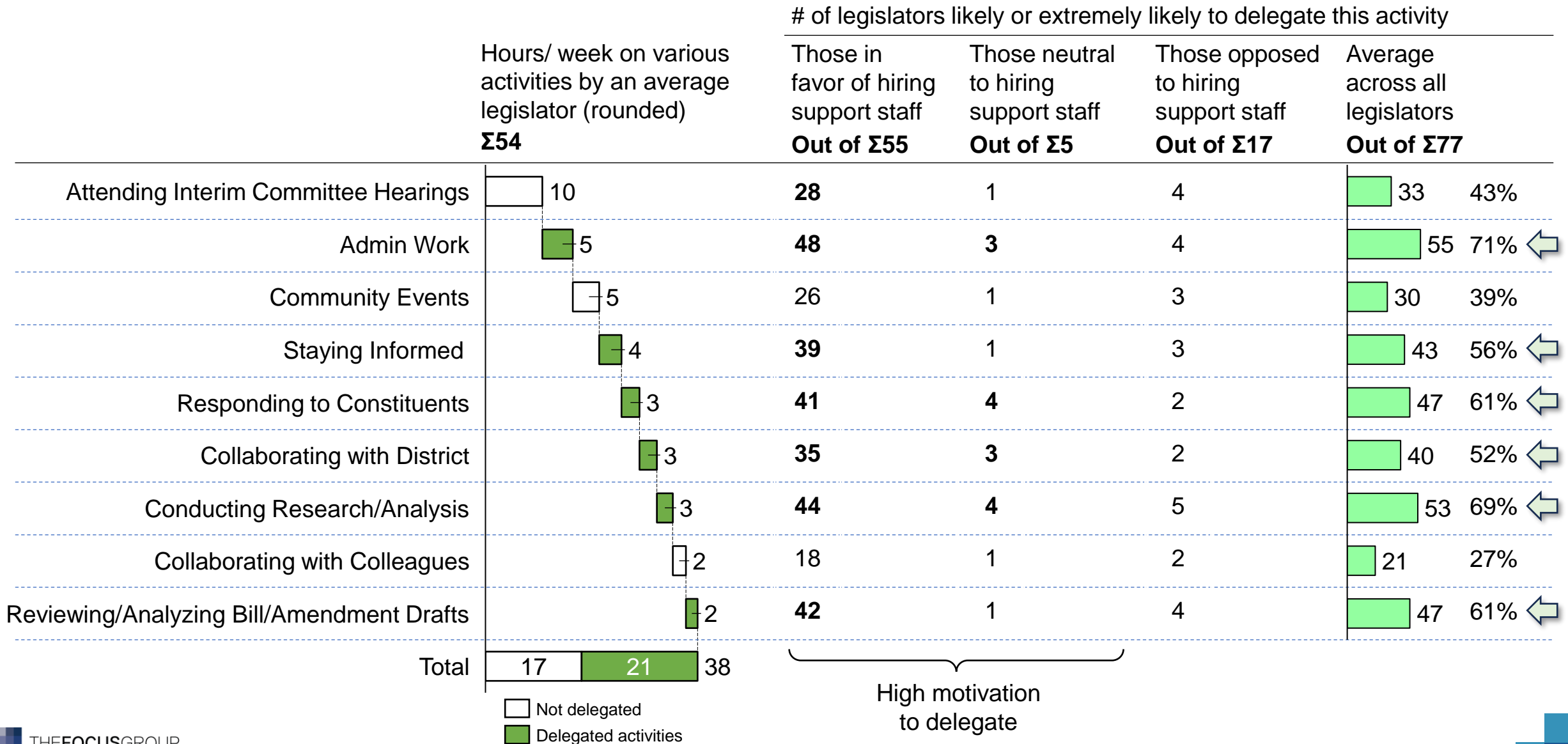
1: ~82% of Democrat legislators and ~41% of Republican legislators are in favor, while 6 and 52% respectively are opposed, percentages rounded

2: 55 legislators support or strongly support, 17 oppose or strongly oppose, 6 are neutral – totaling to 78 legislators



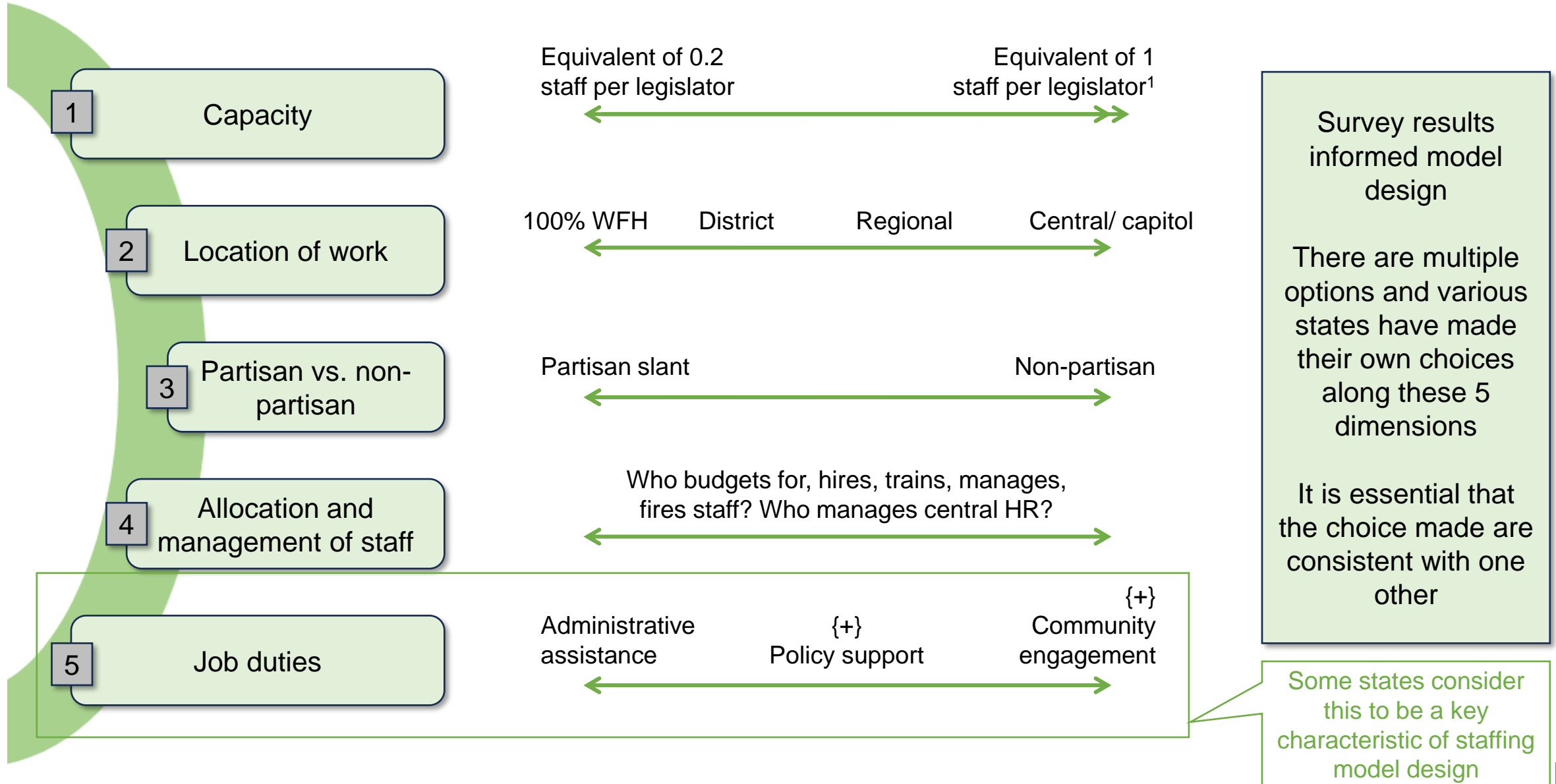


There was motivation to delegate specific tasks equivalent to ~21 hours/ week per legislator





Five broad characteristics delineate staffing models for support staff for legislators



1: Some states have a bigger range



We shortlisted 3 potential staffing models with opportunity for further optionality (... and driven by research, experiences from other states and results from legislator survey)

: recommended option

Attribute	Regional	District	Hybrid	
Staffing Level	30 FTE ~1 staff : 4 legislators	112 FTE 1 staff : 1 legislator	3 FTE	56 FTE 0.5 staff : 1 legislator
Location	12 regional offices	112 offices (likely combined when logistics allow)	Central	12 regional offices
Partisan/Non-Partisan	Non-Partisan	Partisan	Non-Partisan	Partisan
Job Duties	Policy support, Admin	Admin, Community engagement, Policy support	Policy support	Admin, Community engagement
Estimated Annual Cost	\$4.10M	\$13.95M	\$7.28M	



We followed a systematic process to identify office locations for the three staffing models

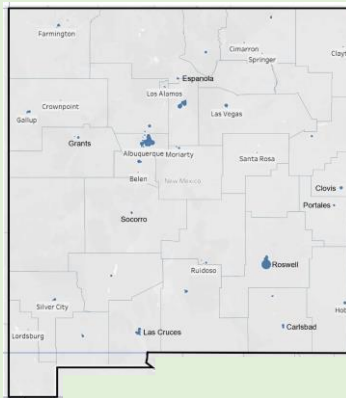
Regional

District

Hybrid
(regional + central)

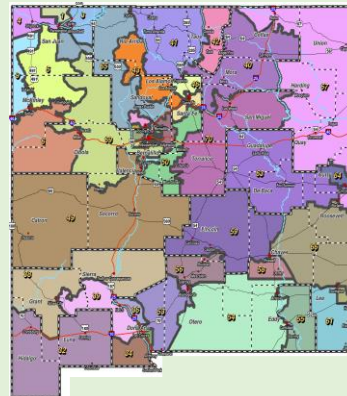
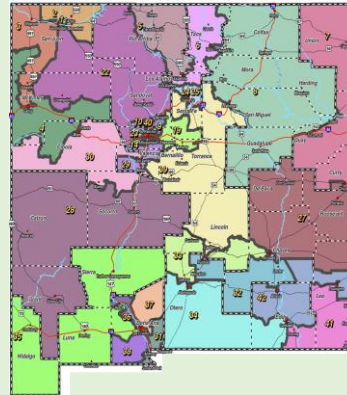
Step 1

ARC compiled an inventory of all available spaces contracted by public entities



Step 2

We mapped these locations against Senate and House districts



Step 3

Based on driving time, we identified optimal locations for serving the various Senate and House districts

- For Hybrid and Regional models: 12 office locations
- For District model: up to 112 office locations with combinations likely

Next steps

- Confirm suitability of space for legislative staff, and whether the space is earmarked for other purposes by the respective state agencies
- Confer with legislators about optimal location of support staff
- Finalize locations; lease spaces or sign agreements with respective state department

Office locations selected are just options for legislator consideration



Ensuring ethical conduct of staff is a key concern identified by surveyed legislators. Training can help mitigate any risks by informing staff of constitutional, statutory and regulatory prohibitions and guidelines.



1 Staff cannot perform **personal duties** for legislators

2 **Electioneering** is not allowed while serving in an official capacity, and whilst using resources provided by the State of New Mexico

3 **Partisan job duties are allowed** but should be differentiated from electioneering (e.g., community engagement, social media posting, etc.)

4 Legislative staff conduct has statutorily **prescribed limits**

Key relevant statutes that govern legislative staff

- Governmental Conduct Act
- Gift Act
- Campaign Reporting Act
- State Ethics Commission Act
- Legislative Employees Code of Conduct
- Anti-Harassment Policy of Legislative Council
- Whistleblower Act
- Procurement Code
- Financial Disclosure Act



While other states adopted a range of authorizing provisions, we believe amending statute to authorize personal staff in NM presents a stable, transparent option with precedence

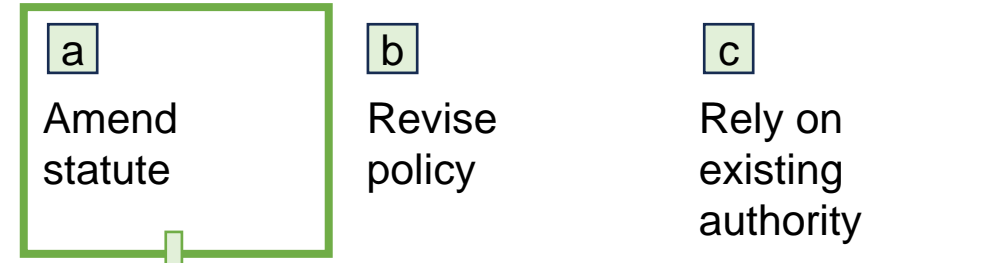
 : suggested approach

Experiences of other states

State	Authorizing Provision
Colorado	A joint rule (JR 39) outlines the role and numbers of legislative aides.
Texas - House	Constitution sets up authority for House and Senate to exist and to operate as a body with staff. House resolution describes details.
Alaska	Various statutes on partisan staff compensation, IT and overall appropriations for all House and Senate employees.
North Carolina	Statute outlines duties of the Legislative Services Commission which houses the aides, but there is no specific language about assistants/aides.
Nevada	An appropriation for additional staff was added to the Legislative Counsel Bureau budget.
Utah	House and Senate budgets. No statute or policy.

A few states interviewed for the report relied on a more informal approach to begin with and further clarified roles and responsibilities over time as both staff and legislators learned what worked best.

Options for authorizing provisions



- Present high degree of **stability**
- There is **precedence** of using statute in this way
- This approach relies on the legislative process for **deliberation and public input**, allowing for **greater transparency** (unlike reliance on constitutional authority or Council policy)
- Allows to build **greater clarity** on new roles and locations of support staff



There are 2 methods of allocation of support to legislators: either FTE or budget. In making this choice, critical constitutional provisions should be considered. Management of staff to be jointly owned by the legislators and LCS

Methods of allocation

Allocation	State Examples	Pros	Cons
1. FTEs	Arizona Nevada Utah	<ul style="list-style-type: none"> Simple to implement and manage for non-partisan staff 	<ul style="list-style-type: none"> More difficult to tailor to needs of each district/legislator
2. Budget to cover all costs associated with staff, including compensation, office space, utilities, IT, etc.	Texas	<ul style="list-style-type: none"> Simple to implement and manage for partisan staff Highly tailored to needs of each legislator and district 	<ul style="list-style-type: none"> Difficult to manage when specialist resources need to be pooled More work for legislators
3. Specific number of hours	Colorado	 <ul style="list-style-type: none"> Allows for some flexibility for legislators to decide who they hire and at what level 	 <ul style="list-style-type: none"> More admin effort to track time spent by staff to work for specific legislators

Feasible alternatives

Proposed responsibilities

- LCS handles all central functions (e.g., HR and accounting)



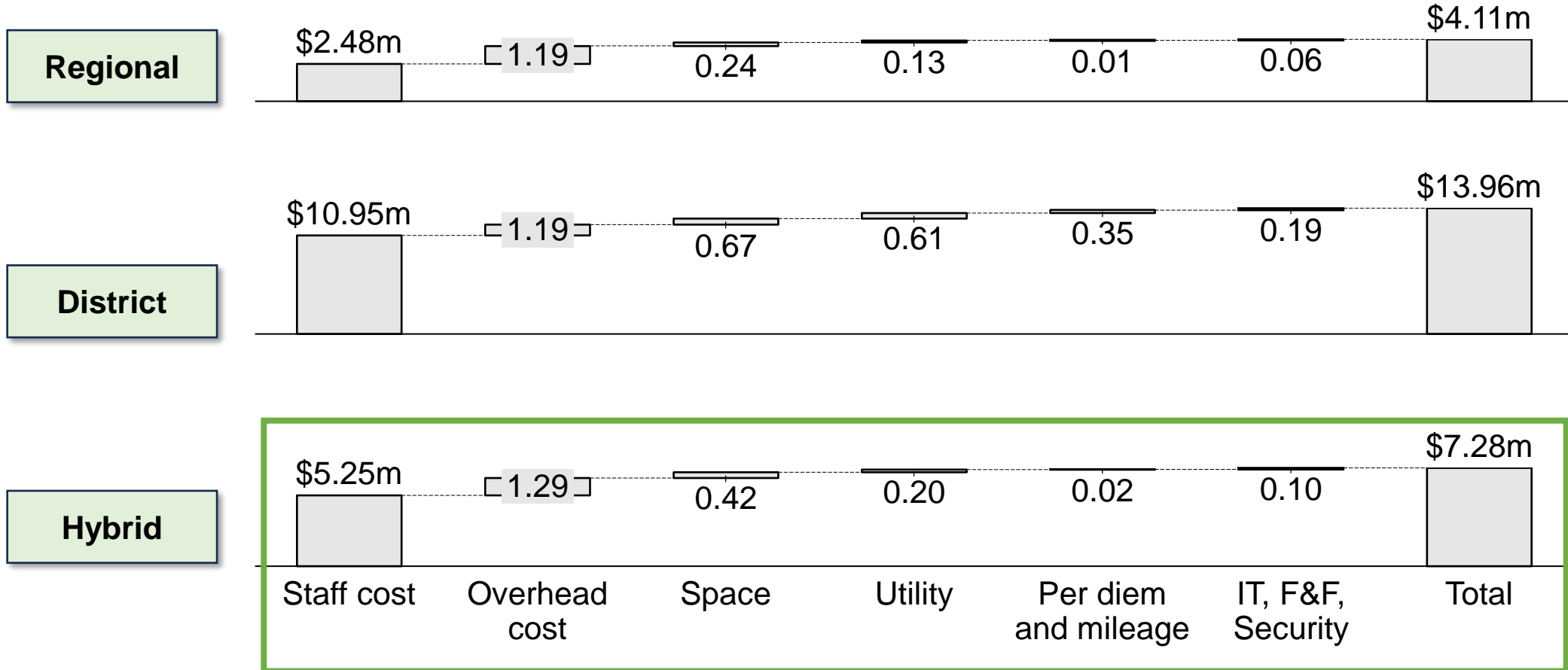
- Legislator participates in selection and management for partisan staff





We anticipate the total spend for implementing the hybrid model is ~\$7.28m/ year

Annual recurring cost, \$m





During implementation, the legislature should remain alert to mitigating any potential risks

	Risk	Potential mitigation
Legal	<ul style="list-style-type: none"> Budgetary allotment as potential violation of constitution 	<ul style="list-style-type: none"> Direct budgetary allotment to the district level and require existing agency such as LCS to manage financial transactions Allocate via FTE
Implementation	<ul style="list-style-type: none"> Too few regional offices to meet needs of staff and legislators 	<ul style="list-style-type: none"> Expand the number of regional offices, Change the location of some regional offices
Ethics and compliance	<ul style="list-style-type: none"> Electioneering Blurring of non-partisan and partisan work 	<ul style="list-style-type: none"> Strong culture of regular ethics training Strong internal policies and procedures related to distinguishing between partisan and electioneering activity Signed acknowledgments of understanding of policies by staff and legislators



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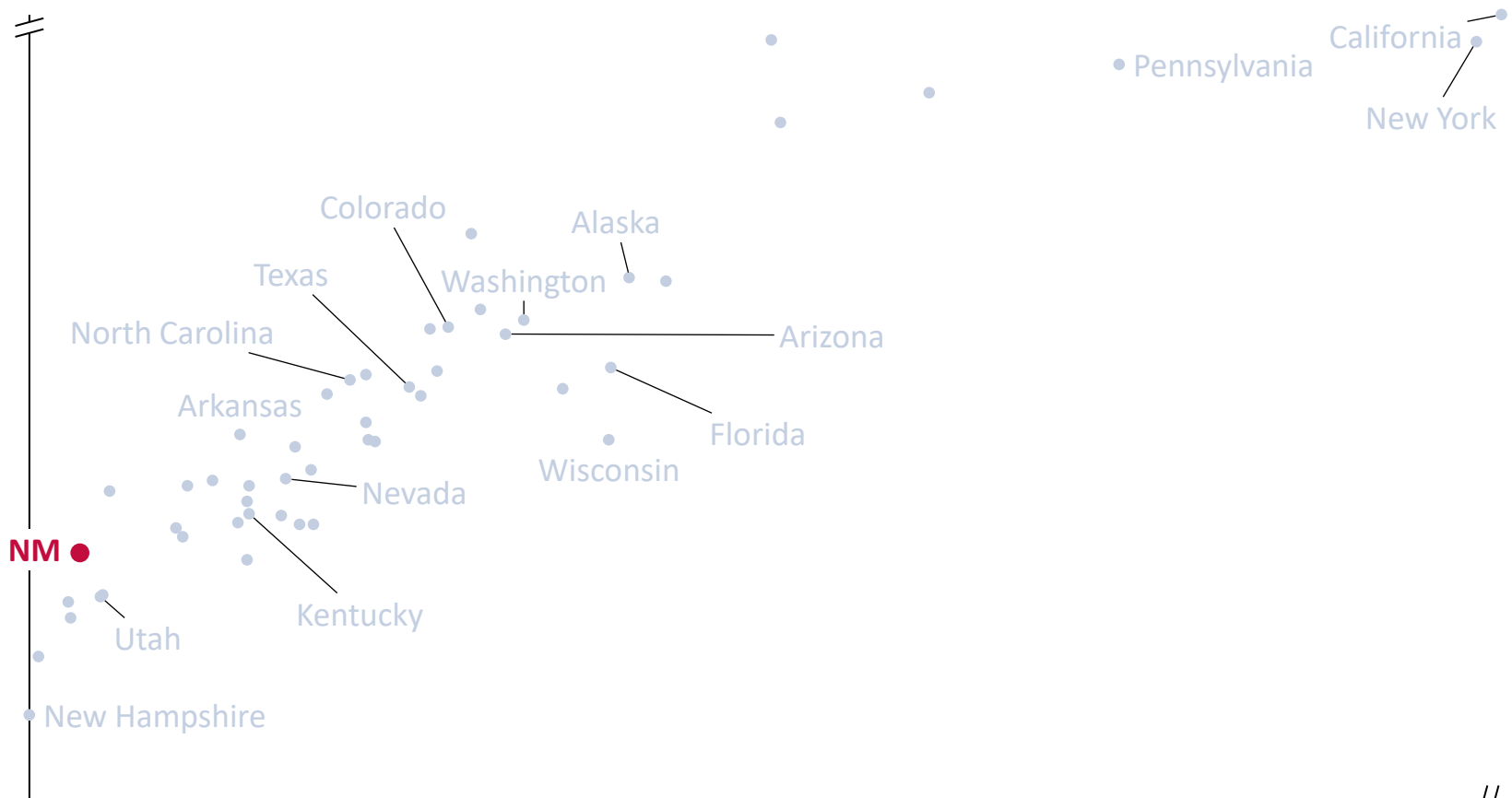
Thank you!



Various states along the professionalism scale

Squire Index Score

Higher professionalism



Bowen and Greene Score

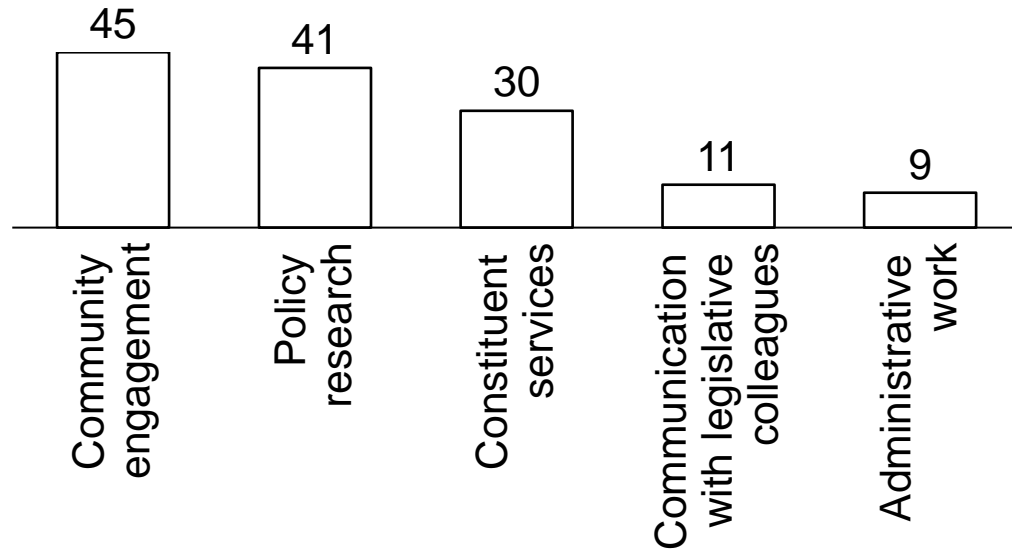
Higher professionalism



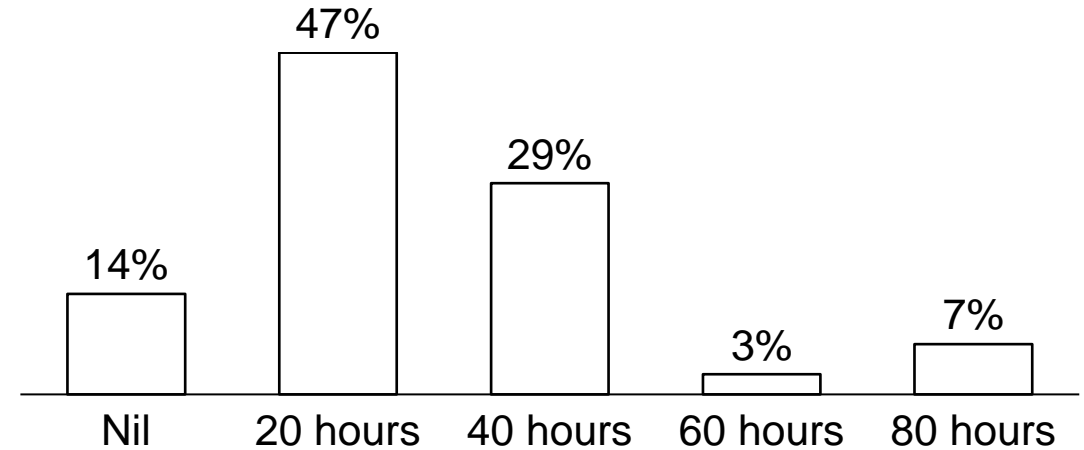


Results of legislator survey

of legislators opting to spend more time on specific activities should they be able to delegate up to 20 hours/week



of hours/week of support that legislators feel is needed



Every state has a different authorizing provision

State	Authorizing Provision
Colorado	A joint rule (JR 39) outlines the role and numbers of legislative aides.
Texas - House	Constitution sets up authority for House and Senate to exist and to operate as a body with staff. House resolution describes details.
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Relevant provisions in NM constitution

Constitution of New Mexico	
Article 4, Section 9	Legislature is authorized to select its own officers and employees and fix compensation
Article 4, Section 10	No compensation, perquisite or allowance given to members
Article 9, Section 14	Anti-donation clause
Statute	
Chapter 1, Article 19 NMSA 1978	Campaign Reporting Act
Chapter 2, Article 3 NMSA 1978	Legislative Council and Legislative Council Service
Chapter 2, Article 5 NMSA 1978	Legislative Finance Committee
Chapter 2, Article 10 NMSA 1978	Legislative Education Study Committee
Chapter 2, Article 14 NMSA 1978	Office of Chief Clerks
Chapter 2, Article 15 NMSA 1978	Legislative Ethics
Chapter 10, Article 15 NMSA 1978	Open Meetings Act
Chapter 10, Article 16 NMSA 1978	Governmental Conduct Act
Chapter 10, Article 16A NMSA 1978	Financial Disclosure Act
Chapter 10, Article 16B NMSA 1978	Gift Act
Chapter 10, Article 16G NMSA 1978	State Ethics Commission Act
Chapter 14, Article 2 NMSA 1978	Inspection of Public Records Act
Policy	
Legislative Council Policies	#7, 8, 9, 12, 14, 15, 18, 20 and 21