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prepared by
The President's Special Development Task Force
and the Consortium for Legislative Development

DIAGNOSTIC STUDY & INSTITUTIONAL DEVELOPMENT PLAN
LEGISLATIVE ASSEMBLY

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- I. INTRODUCTION

- II. THE LEGISLATIVE ASSEMBLY AS FIRST POWER OF THE REPUBLIC
 - 1. The Current Constitution's History
 - 2. The 1949 Constitution
 - 3. The Legislative Branch of Government

- III. AN OVERVIEW OF THE LEGISLATIVE PROCESS
 - A. The General Passage of Legislation

- V. THE STAFF STRUCTURE AND ORGANIZATION OF THE LEGISLATIVE ASSEMBLY
 - A. Organization Of The Legislative Assembly
 - B. Description of the Elements of the Organizational Structure and Operation of the Legislative Assembly
 - 1. The Executive Branch
 - 2. The Members
 - 3. The *Directorio Legislativo*
 - 4. The Party Caucuses
 - 5. The Technical Staff
 - 6. The Administrative Staff

- VI. OTHER INSTITUTIONS RELATED TO THE LEGISLATIVE PROCESS
 - 1. The Controller General's Office

2. The Attorney General's Office (*Procuraduria de la Republica*)

Description of the Existing Legislation System Project

VII. INSTITUTIONAL STRENGTHS

A. Intangibles

1. Political System Strengths
2. Institutional Strengths

B. Tangible Strengths

1. Human Resources
2. Physical Facilities
3. Equipment
4. Other

VIII. OPPORTUNITIES FOR STRENGTHENING THE LEGISLATIVE ASSEMBLY

1. Physical Areas

A. Physical Space

2. Equipment

- A. Automated Equipment
- B. Basic Equipment/Resources
- C. Organizational/Training Tools

3. Technical Areas

- A. Organizational Needs
- B. Training
- C. Technical Requirements

4. Politically Sensitive Areas

- A. Institutional Issues
- B. Organizational Issues

5. Others

- A. Technical
- B. Politically Sensitive

IX RECOMMENDATIONS FOR INSTITUTIONAL DEVELOPMENT

I. Master Planning

Discussion:

- Short Term Recommendation 1:
- Short Term Recommendation 2:

II. Physical Space

Discussion:

Short Term Recommendation 1:

Short Term Recommendation 2:

Medium Term Recommendation 1:

Medium Term Recommendation 2:

III. Equipment and Resources

Discussion:

A. Automated Equipment:

Short Term Recommendation 1:

Short Term Recommendation 2:

Medium Term Recommendation 1:

Medium Term Recommendation 2:

Long Term Recommendation 1:

B. Basic Equipment & Resources:

Short Term Recommendation 1:

Short Term Recommendation 2:

Medium Term Recommendation 1:

Medium Term Recommendation 2:

C. Organizational/Training Tools:

Short-Medium Term Recommendation 1

Short-Medium Term Recommendation 2

IV. Technical Assistance & Professional Development

Discussion:

A. Legislative Exchange Programs:

Short Term Recommendation 1:

Medium-Long Term Recommendation 1:

B. Training Programs:

Short Term Recommendation 1:

Medium Term Recommendation 1:

Medium Term Recommendation 2:

Medium Term Recommendation 3:

Long Term Recommendation 1:

C. Internship Program:

Medium Term Recommendation 1:

IV. Organizational Issues

Medium-Long Term Recommendation 1:

Medium-Long Term Recommendation 2:

WORKING DRAFT

Medium-Long Term Recommendation 3:
Medium-Long Term Recommendation 4:
Medium-Long Term Recommendation 5:
Medium-Long Term Recommendation 6:

VII. Politically Sensitive Areas

WORKING DRAFT

I. INTRODUCTION

This document has been developed at the request of the President of the Legislative Assembly of Costa Rica, Lic. Juan Jose Trejos Fonseca. President Trejos Fonseca and the members of the *Directorio Legislativo* with the support of key leaders from each of the political parties represented in the Assembly have embarked on an ambitious but well thought-out effort to modernize the Assembly and address its most critical technical needs.

In order to facilitate the implementation of this effort, President Trejos has named a Special Development Task Force on which the Assembly's major political parties and principal staff directors are represented. The members of the President's Special Development Task Force include:

Chairman:	Deputy Ovidio Pacheco
Co-Chair:	Deputy Jose Joaquin Chavez
	Executive Director Olmedo Castro
	Deputy Executive Director Oscar Gutierrez
	Presidential Advisor Humberto Morales
	Staff Advisor Carlos Arguedas

The President has requested that The Center for Democracy and the institutions that serve with the Center in the Consortium for Legislative Development--Florida International University and the University at Albany, State University of New York--provide technical assistance in the research and development of this report. The President has further asked the Consortium to work with the Special Development Task Force to refine this report and facilitate the implementation of its recommendations.

The final version of this report will serve as the Legislative Assembly's MASTER PLAN for guiding internal and external resources that are gathered to institutionally strengthen the legislature.

II. THE LEGISLATIVE ASSEMBLY AS FIRST POWER OF THE REPUBLIC

1. The Current Constitution's History

The 1821 Pacto de Concordia, produced as a result of Costa Rica's independence movement and inspired by the French and American Revolutions, served as an interim constitution until the first official constitution was signed in 1825. The Pacto established several important principals (popular representation, participation of the populace in the political process, etc.)

which continue to serve as the fundamental base for the country's social, political and legal system. Over the next fifty years (1821 to 1871) a slow process of government institutional evolution occurred which produced a total of twelve constitutions including the Constitution of 1871. The Constitution of 1871 is considered a landmark document historically both for its longevity (1871 to 1949) and in that it effectively incorporated the most positive aspects of the prior efforts. It included significant aspects of the Liberal philosophy of the time and followed a presidential model of government.

2. The 1949 Constitution

Following the revolution led by Jose Figueres in 1948, the ruling Junta de Gobierno (in accordance with the provisions of the treaty which ended the civil war) convened a constitutional convention in December of 1948. The current constitution, signed November 7, 1949, is the result of that convention's work. The 1949 Constitution, although considered an extension of the 1871 Constitution, made several important changes and reforms which reflected the political thought and ambitions of those times. Among the reforms was a decrease in the presidencialista nature of the government and a general increase in power in the Legislative Branch. Similarly, a decentralization in government occurred with the creation of several autonomous governmental bodies. Article 50 of the 1949 Constitution also clearly reflects the social democratic philosophy of the followers of Jose Figueres with its declarations that it is the duty of the State to provide for the welfare of the citizens, attempt to obtain a fair distribution of wealth, stimulate and organize production, etc.

Perhaps the most important change in the 1949 constitution was the creation of the Supreme Electoral Tribunal. The motivation for this new institution was, in part, based on the perception that the Legislative Branch in the past had encountered difficulties and been subject to undue and inappropriate influence by the Executive Branch. Thus, the Supreme Electoral Tribunal was established as an independent and co-equal fourth branch of government.

3. The Legislative Branch of Government

The spirit of the Costa Rican independence movement called for a constitutional government that was freely elected and democratically organized. The Legislative Branch, considered the first and most important branch of government, began with the independence movement and specifically with the creation of the

WORKING DRAFT

first congress in November of 1821 called the Junta de Legados. The term Legislative Branch is first mentioned in the 1825 Constitution where it is officially recognized as a branch of government and its powers clearly outlined. The Constitution of 1949 continued this tradition by stating in Article 105: "The power to legislate resides in the people, and (this power) is delegated, by means of suffrage, to the Legislative Assembly."

Title I, Article 9 and Title IX of the 1949 Constitution created a unicameral Legislative Assembly composed of fifty-seven members called deputies elected by province. The number of representatives can be increased if population increase (as indicated by a national census) warrants an increase in the representation. Deputies are elected for four year terms concurrent with the term of the President of the Republic. They cannot be re-elected to consecutive terms, however, they are allowed to be re-elected again after the succeeding four year electoral period has passed.

The Legislative Branch has the powers, functions and attributes typical to representative democracies. These include:

- the power to enact, amend and repeal the country's laws;
- the power to name the members of the Supreme Court;
- the responsibility to approve or reject international treaties and agreements;
- approve or deny the right of passage of foreign troops on Costa Rican territory;
- suspend (by no less than a two-thirds vote) certain fundamental rights and guarantees of citizens in times of national necessity;
- approve the national budget;
- name the Controller and Deputy Controller of the Republic;
- establish the national taxes and authorize the municipal taxes;
- authorize the Executive Branch to negotiate matters concerning the national debt;
- determine the form of and authorize the national currency; and
- create the courts of justice and other organizations of national service.

The Legislative Assembly convenes each year on May 1 for its Ordinary Session of six months. The Ordinary Session is divided into two periods which last from May 1 to July 31 and September 1 to November 30. The Executive Branch can also convene the Legislative Assembly in Extraordinary Session to consider specific topics deemed of national importance. The Assembly is governed by a Directorate under its Internal Rules of Order.

Reglamento de Orden, Direccion y Disciplina Interior

The Legislative Assembly of Costa Rica is governed by its Internal Rules of Order, Direction and Discipline. These rules coincide with, expand on, and provide specificity to the general provisions found in the Constitution. Among other provisions, the Internal Rules describes the Assembly's governing body (the Directorio) and their election; the responsibilities and authority of the President of the Assembly and the other officers of the Directorio; the rights and attributes of the Deputies; specifies the permanent committees and their individual areas of responsibility; describes the procedure for the introduction and passage of legislation; and specifies the procedure for considering the national budget as proposed by the Executive Branch.

The Directorio

Article 115 of the Constitution provides for a Directorio (Directorate) of the Legislative Assembly whose members are elected at the beginning of each year's legislative session for one year terms. The Directorate is composed of a President and two Secretaries. A Vice-President and two Undersecretaries are also elected to assume the duties of the members of the Directorate in their absence.

The power and responsibilities of the President of the Assembly are significant and diverse. For example, the President opens, closes, and presides over each session; directs the debate and recognizes deputies wishing to speak; and receives the vote and announces the result of Plenary actions. Additionally, the President has overall responsibility for the administration of the Assembly. Perhaps the most important power of the President is the ability to name the members of the permanent committees. Although the Internal Rules provides that the permanent committees will include representation from all the political parties, no percentage or other qualifiers are given so the discretion and latitude of the President remains quite broad in this regard.

The duties and responsibilities of the Secretaries are primarily administrative in nature. For example, they are required to prepare the Assembly's correspondence; assure the minutes from the last session are prepared; and (with the President) sign the legislation passed and other official documents of the Assembly.

III. AN OVERVIEW OF THE LEGISLATIVE PROCESS

WORKING DRAFT

As described in Section XX above, the Legislative Assembly of Costa Rica is a unicameral parliament with 57 members. It is governed by five member *Directorio Legislativo* or Board of Directors. The passage of bills in the Costa Rica Legislative Assembly is consistent with other unicameral parliaments in Latin America. Following below are descriptions of the particulars of the legislative process at the general and committee level in the Costa Rican Legislative Assembly. These descriptions emphasize the role played by technical, professional staff in support of the legislative process.

A. The General Passage of Legislation

In Costa Rica, bills may be submitted by a single deputy or a group of sponsoring deputies. The President of the Republic or his ministers may also submit bills for the legislature's consideration. Autonomous state institutions and private citizens may submit legislation with the sponsoring signature of at least one deputy. All bills submitted by members of the Assembly must be in the form of two signed originals and fourteen unsigned copies. Bills submitted by the Executive branch must be in the form of one signed original and sixteen copies.

Bills submitted by members of the Assembly begin their journey through the legislative process in the Secretarial & Drafting Department (*Departamento de Secretariado y Redaccion*). This department assigns bills submitted by Assembly members a number and may suggest syntactical and stylistic edits which the bill's sponsor(s) must approve. This department key-punches the text of all bills onto a microcomputer and makes an authenticated hard copy and digitized copy on a computer diskette which is sent to the Committees Department (*Departamento de Comisiones*) once the bill is assigned to a specific committee.

The Secretarial & Drafting Department in turn submits the bill to the Secretary of the Legislative Assembly's Board of Directors, or *Directorio*. However, bills submitted by the President of the Republic or his ministers are received directly by the office of the Secretary or by the office of the Executive Director of the Assembly. If bills originated by the Executive are not numbered, the Secretarial & Drafting Department assigns a number to these.

At the next plenary session held following its receipt, the bill is presented by the Secretary or Assistant Secretary during the reading of correspondence at the opening of the session. The particulars of the bill, including the name of its author and a summary of its purpose, are stated after which the President of the *Directorio*, at his discretion, assigns the bill to the appropriate committee.

WORKING DRAFT

Subsequently, the legislature's Archives Department creates a parallel file for the bill including a title page which records the name of the bill, its number, its sponsor(s) and the date it was submitted to the Assembly. The Archives Department also maintains a card catalogue of bills by title and number, with new cards being made for each bill received. The Archives Department also picks up and files any copies of the bill remaining in the office of the Secretary of the *Directorio*. This duplicative filing between the Secretarial & Drafting Department and the Archives (located in different buildings) insures that backup copies of bills and legislation exist.

Once the bill has been assigned to committee by the President, the Archives Department records its assignment in the Committee Ledger and prepares a file with the original copy of the bill for the committee's chairman and additional copies for the committee's members. The Archives Department sends a copy of the bill to the National Printing Office which publishes the text of the bill and the name of the committee to which it has been assigned in the *La Gaceta*. Once the bill has been published officially, the Archives Department formally records the bill's entry into the legislature. The Archives Department also sends a copy of the bill to the Technical Services Department (Departamento de Servicios Tecnicos) which, within five working days, must prepare an analytical report on the bill for submission to the committee to which the legislation has been assigned.

Five days after the bill has been published in the *La Gaceta*, it is placed as the last item on the committee's agenda. It is the responsibility of the Committee's professional staff to insure that bills received by their committee are reviewed for their constitutionality with the University Council, Supreme Electoral Tribunal, the Judiciary or the appropriate autonomous institutions.

Once a bill is taken up in committee, the committee chairman may, at his discretion, appoint a subcommittee made up of three to five members of the full committee. The chairman may create such subcommittees for one of two purposes: 1) to study the bill and prepare a draft report for the committee to review and approve, or 2) to engross the bill with motions and amendments approved by the full committee.

In considering a piece of legislation, members of the committee may present four different types of motions in order to include, excise or modify the text of a bill, including: 1) Motions of Amendment, 2) Points of Order (these are voted on immediately after the member finishes speaking) 3) Motions to Alter the Order of the Day (these must be approved by a 2/3 vote of the members

WORKING DRAFT

present and no bill may be displaced from the top of the agenda more than twice). [For a detailed discussion of the debate process in committee, please refer to Section III,B below.]

The committee must draft its report within 30 working days of initiating debate on the bill. However, the committee chairman may request an extension from the President of the Assembly. If a committee report is not produced before the extended period ends, the President of the Assembly will issue a warning to the committee and fix a new deadline. If this deadline passes without the submission of at least one report, the committee members' compensation [*dietas regulares*] is discontinued.

Once the committee has taken a final vote on a bill the professional committee staff has three working days to produce a draft committee report which must be submitted, along with the text of the bill and any approved motions/amendments (referred to collectively as "the file") to the Committee Department. Committee reports may be favorable, unfavorable and may include amendments to the legislation. There are three possible types of Committee reports:

- 1) Unanimous Reports
- 2) Majority Reports
- 3) Dissenting and/or Minority Reports

The chief of the Committee Department reviews the committee report for style and adhesion to the Assembly's Rules and verifies that amendments have been properly enrolled/engrossed. The chief of the Committee Department returns the committee report and attached file with any technical modifications or recommendations to the committee, which prepares an original corrected and signed copy of the committee report and file for submission to the Executive Director of the Assembly for transmission to the office of the Secretary of the Assembly. In addition to the original, signed copy of the report and file, the committee staff also sends copies of these documents to the Archives and Committee Departments. This entire process, from the time the committee takes a final vote on a bill to the time the report and file are received by the office of the Secretary, must be completed in no more than fifteen working days.

If the office of the Secretary has received a Majority Report, the Secretary will hold the report for eight working days to allow for other (Minority or Dissenting) reports to be submitted. If the office of the Secretary receives a Unanimous Report, the matter will be placed on the plenary's agenda three days after the report has been received.

WORKING DRAFT

Once the Committee Report has reached the top of the plenary's agenda, it enters its first debate wherein during the first six sessions, if the bill has not been voted on, members may present new amendments. If amendments are approved during the first debate in the plenary, these are sent to the committee that issued the report. The committee must automatically place these amendments on its agenda and must render its report to the plenary within three working days. Any amendments from the floor that are approved in committee are incorporated into the bill. Any amendments from the floor rejected by the committee may then be reintroduced in the plenary by their proponent(s) and submitted to a vote. Any motions presented in the plenary regarding style are forwarded to the Style Committee.

If the bill is approved after the first debate, it is read a second time and passed to the Drafting Committee for engrossing of amendments and final review of composition and style. The Style Committee then returns 57 copies of the final draft of the bill to the plenary for the third debate. With the exception of voluminous or complex bills, the third debate normally ensues within two days of the bill's submission to the plenary by the Drafting Committee.

Once a bill is approved in the third debate, the office of the Secretary forwards a final, signed copy of the approved bill (along with a digitized copy on a diskette) to the Secretarial & Drafting Department where a formal presentation document and three copies of the legislation are prepared for signing by President, Secretary and Assistant Secretaries of the Assembly's *Directorio*.

The Secretarial & Drafting Department sends the duly signed legislation, containing the corresponding number of the law, to the Office of the President of the Republic (Office of Laws and Decrees). At the same time, the approved legislation is sent to the National Printing Office, where it is typeset and published in the *La Gaceta*.

The President of the Republic has ten working days after receiving the approved bill to sign or veto it. If, after ten days have passed, the bill has not been returned, it can no longer be vetoed and is considered sanctioned and thus, as law of the Republic, is published in the *La Gaceta*. If the President vetoes the legislation, he must return it before the constitutional time period elapses with a statement of the reasons which have motivated him to veto the bill. The vetoed bill is sent to the office of the Secretary, which sends it to the Plenary where it is read and referred by the President of the Assembly, generally, to the original reporting Committee which

WORKING DRAFT

must analyze the veto and either accept it, revise the bill to accommodate the president's objections or return it to the plenary with a recommendation to override his veto, for which thirty eight votes are required.

If the President of the Republic signs the bill into law, he returns the sanctioned legislation to the Assembly which delivers it to the National Printing Office for its publication as law. The Secretarial & Drafting Department transfers the original copy of the law signed by the President of the Republic to the Archives Department. A true copy of the law is kept on file at the Secretarial & Drafting Department and another copy is forwarded to the Committees Department.

WORKING DRAFT

V. THE STAFF STRUCTURE AND ORGANIZATION OF THE LEGISLATIVE ASSEMBLY

A. ORGANIZATION OF THE LEGISLATIVE ASSEMBLY

The organization of the Legislative Assembly has evolved to enable the parliament to function as an institution. In order of primacy, the Assembly is structured as follows:

POLITICAL LEADERSHIP

The Plenary 57 Members

The Board of Directors (*Directorio Legislativo*), including

	<u>NO. OF STAFF</u>
The Office of the President	9
The Office of the Vice-president	2
The Office of the Secretary	5

The Caucus Chairmen (*Jefes de Fraccion*)

CORE, PROFESSIONAL STAFF

The Executive Director (secretary general)* 12

Press & Protocol Office	11
Transportation Office	9

Partisan Staff

Party Caucus Staff	
Members' Personal Staff	
Unidad Social Cristiana	89
Liberacion Nacional	66
Pueblo Unido	2
Union Agricola Cartagines	4
Union Generalena	2

Technical Staff (working on the legislative process through the Office of the Secretary of the *Directorio*)

Committees Department*	28
Technical Services Department*	27
The Secretarial & Drafting Department*	10
The Archives Department*	12
The Library*	13

WORKING DRAFT

The Congressional Record (Actas)*	12
<u>Administrative Staff (support services)</u>	
Financial Department*	13
The Audit Department	21
The Human Resources Department*	20
Medical Services Department*	5
Purchasing Department*	21
General Services Department*	107
Legal Department*	12
TOTAL STAFF:	<u>512</u>

*Indicates Civil Service Positions

B. DESCRIPTION OF THE ELEMENTS OF THE ORGANIZATIONAL STRUCTURE AND OPERATION OF THE LEGISLATIVE ASSEMBLY

The Political Actors

1. The Executive Branch

The President of the Republic is responsible for convening Extraordinary Sessions of the First Power of the Republic when it deems this to be necessary. During such Extraordinary Sessions, the Executive sets the legislature's agenda and is responsible for submitting bills for consideration by the Assembly. The President of the Republic is also empowered to sign into law or veto legislation approved by the Legislative Assembly.

2. The Members

The Members of the Assembly work within procedures and parameters established by the Assembly's internal rules. The members principal functions are to:

- a) Elect the President and officers of the *Directorio*
- b) Draft and introduce legislation
- c) Analyze, debate, amend and vote on legislation through
 - i) Participation in standing and *ad hoc* committees
 - ii) Attendance and participation in the Plenary

3. The *Directorio Legislativo*

WORKING DRAFT

The Directorio is elected by the members of the Congress once a year at start of each Ordinary Session. There are five members of the *Directorio*. Their titles and positions are:

- a) The President
- b) The Vice President
- c) The Secretary

The Secretary of the Assembly is the political actor responsible for overseeing the daily legislative operations of the Plenary. The Secretary receives and reports to the plenary on correspondence; establishes and directs the first, second and third debates of bills; prepares the Plenary's agenda; refers motions and amendments to the various committees; receives and compiles bill files; gives legal opinions on motions presented; maintains and provides bill status reports to the Members, the Government and the general public, maintaining a complete and updated file for each bill under consideration; maintains a bill index by subject matter; forwards draft bills presented by the Executive Branch to the Secretarial and Drafting Department where they are digitized and assigned a file number; and, transfers approved legislation from the Plenary to the Secretarial & Drafting Department for transmittal to the President of the Republic and the *La Gaceta*.

- d) The Assistant Secretaries
- e) Computer Equipment

One Multitech microcomputer, 512 Kb RAM, 360 Kb floppy disk drive. One Citizen 129D printer.

4. The Party Caucuses

While the party caucuses do not play a formal role in the structure of the Legislative Assembly, they are a critical element in its daily operations as a political institution. The caucuses are represented as follows:

<u>Party</u>	<u>No. Members</u>	<u>1990/91 Chairman</u>
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WORKING DRAFT

Partido de Unidad Social Cristiana	29	Rolando Lacle
Partido de Liberacion Nacional	25	Oscar Soley Soler
Partido Pueblo Unido	1	Rodrigo Gutierrez Saenz
Union Agricola Cartagines	1	Jorge Rodriguez Araya
Partido Union Generalena	1	Carlos Alberto Fernandez

The *Directorio* meets with the heads of all the party caucuses once a week to consult on and coordinate policy. Outside these regular meetings, the Party Caucus Chairmen play an important role in negotiations for the passage of key legislation.

Computer Equipment

PUSC Party Caucus:

One Multitech microcomputer, 512 Kb RAM, 360 Kb floppy disk drive. One Citizen 120D printer.

PLN Party Caucus:

One Multitech microcomputer, 512 Kb RAM, 360 Kb floppy disk drive. One Citizen 120D printer.

THE TECHNICAL STAFF

1. Committees Department

The Committees Department coordinates and provides backup for all legislative procedures at the committee level. It is overseen by the office of the director of the Committee Department which coordinates and reviews the work of professional and clerical staff assigned to each of the standing committees. The Committee Department has a centralized computer office attached to the director's office. Staff is maintained for the following permanent committees.

1. Finance Committee
2. Agricultural Affairs Committee
3. Government and Administration Committee

WORKING DRAFT

4. Legal Affairs Committee
5. Economic Affairs Committee
6. Drafting Committee
7. Social Affairs and International Relations Committee

The Committee department staff also supports the activities of special committees created at the discretion of the Plenary.

The Committee Department's primary functions are to:

Provide secretarial and other logistical support to the deputies in the committee; analyze bills referred to committees; advise the chairman and members of the committees of the application of the Assembly's rules to committee proceedings; draft committee and subcommittee reports and edit these for syntax and style; prepare and maintain the committees' agendas; tape and prepare verbatim transcripts of all committee proceedings; and, maintain bill status information on legislation in each committee.

Computer Equipment

Finance Committee:

One NEC microcomputer, 460 Mb RAM memory, 360 Kb floppy disk drive, 30 Mb hard disk. One Multitech microcomputer, 512 RAM memory, 360 Kb floppy disk drive, 30 Mb hard disk. One Hyundai PC terminal, 8088, 640 Kb RAM memory. One Epson FX-1050 printer.

Computer Section:

One Hyundai 803860 computer, 4 MB RAM memory, 20 Mhz, 32 bits word spacing, 1.2 MB floppy disk drive, 330 MB hard disk, NE2000 card for Novell Advanced Netware network. One Hyundai monochrome monitor. Two IBM AT 80286 microcomputers, 1 MB RAM memory, 1.2 MB floppy disk drive, 30 MB hard disk, NE1000 card for Novell network. Two Hyundai 8088 PC terminals, 10 Mhz, 640 Kb RAM memory, one with 3 1/2 inch floppy disk drive and 720Kb. Two Topaz UPS, 10.8 ampers. Five printers: NEC P9, 400 cps in draft mode; Xerox 4045; 3 CITH, 264 cps in draft mode; Dataproduct 80 cps in draft mode.

Head of Department:

One Hundai PC terminal, 8088 processor, 640 Mb RAM memory. One Citizen printer, 120D model.

Agricultural Affairs Committee:

Two Hyundai PC Terminals, 8088 processor. 640 Mb RAM memory.

WORKING DRAFT

One Multitech microcomputer 512 Kb RAM memory, 30 Mb hard disk. Two printers: Epson FX-1050, 264 cps in draft mode; Citizen 120D.

Government and Administration Committee:

Two Hyundai PC Terminals, 8088 processor, 640 Mb RAM memory. One Epson FX-1050, 264 cps in draft mode.

Legal Affairs Committee:

One NEC microcomputer, 640 Mb RAM, 360 Kb floppy disk drive, 30 Mb hard disk. One Hyundai PC terminal, 640 Kb RAM memory. One Epson FX-1050 printer.

Economic Affairs Committee:

Two Hyundai PC terminals, 8088 processor, 640 Mb RAM memory. One IBM microcomputer, 256 Kb RAM memory, 20 Mb hard disk. Two printers: Epson FX-1050, 264 cps in draft mode; Citizen 120D.

Drafting Committee:

One Multitech microcomputer, 512 Kb RAM, 360 Kb floppy disk drive, 30 Mb hard disk. One Epson FX-1050.

Social Affairs and International Relations:

Three Hyundai PC terminals, 640 Kb RAM memory. One NEC microcomputer, 640 Kb RAM, 360 Kb floppy disk drive, 30 Mb hard disk. One Epson FX-1050 printer. One Citizen 120D printer.

2. Technical Services Department

The Technical Services Department reviews draft legislation for format and style; it also prepares briefs on each bill which report on relevant jurisprudence and which enumerate the bill's potential effects on existing legislation, including the need for possible amendments to existing law. In addition, the department provides advisory services to the Assembly's working and special committees.

The Technical Services Department maintains a manually compiled data base consisting of file-card indexes which catalogue bills by subject matter, sponsoring deputy or institution, topic, and by file number. A file is also kept for each advisor for the bills assigned to him. The Technical Services Department consults with other government institutions, for example the Attorney General's office, in researching and analyzing existing legislation which is related to a bill under review.

Computer Equipment

One Multitech microcomputer, 512 Kb RAM, 360 Kb floppy disk drive. One Citizen 120D printer.

3. The Secretarial & Drafting Department

The Secretarial and Drafting Department receives bills from legislators, and in some instances, from the Executive. Its primary functions are to review bills, at the request of deputies, for style and format; to provide limited bill drafting services to deputies; key-punch the text of bills into personal computers; assign each bill with a file number; producing the presentation text of approved laws for the President of the Republic's sanction or veto; and preparing the definitive text for transfer to the *Imprenta Nacional* for its official publication.

Computer Equipment

Two DTK microcomputers, model Data 1000, 640 RAM of memory, 5 1/4 inch 360 Kb floppy disk drive, 20 MB hard disk. Two Multitech monochrome monitors. Ferrari keyboard. Fortis LM201Ft printer.

4. The Archives Department

The Archives Department is the central document handling point in the Assembly for the legislative process. It is responsible for keeping a full record of each piece of legislation that passes through the Assembly, including all original copies of the various documents that make up each file, such as bill drafts, verbatim plenary and committee transcripts, committee reports, amendments, modifications and legal briefs.

During the bill's passage through the legislature, the Archives Department prepares bill files and forwards these to their assigned committees, and receives documentation in return from the Committees Department. The Archives also respond to requests for information from members and staff of the Assembly and the general public regarding bill status, and the text of bills and laws in its archives. The Archives also maintains a mater file-card index of the documents in its files arranged by subject, file number and sponsoring deputy.

Computer Equipment

None.

5. The Library

The library maintains a well organized, and professionally catalogued collection of books, research materials, legal texts, and periodicals. The library is open to the deputies, Legislative Assembly staff and the general public. In addition, the library staff edits the monthly magazine of laws and decrees. The library also publishes a monthly index and semiannual compendium of laws and decrees and resolutions passed by the legislative Assembly.

Computer Equipment

None.

6. The Congressional Record

This department is responsible for recording and transcribing the sessions of the Plenary. Audio tapes are made of the plenary's sessions which are in turn transcribed verbatim, formatted and retyped on stencils for reproduction on a mimeograph machine. The transcript of each session must be completed and distributed to the members by the next Plenary session. This at times requires the Congressional Staff to work overtime. This department stores copies of the Congressional Record a limited period of time, transferring older copies to the Archives Department for storage.

Computer Equipment

One Multitech microcomputer, 512 Kb RAM, 360 Kb floppy disk drive. One Citizen 120D printer.

THE ADMINISTRATIVE STAFF

1. Financial Department

The financial Department functions as the Assembly's controller and fiscal analysis office. Its operations are purely internal and does not provide analysis of Executive branch expenditures.

The Financial Department's general responsibilities include: drawing up the Legislative Assembly's budget; maintaining all records pertinent to the management of the approved budget in accordance relevant law; maintaining records for

and managing each budget line-item; managing and maintaining records of the Assembly's credit reserves; processing payment of payroll and of all approved purchase orders, petty cash expenditures, and deputies' reimbursable expenses; managing and maintaining records of payment agreements; managing and maintaining records for all bank accounts; managing and maintaining records of all transfers of funds; managing and maintaining records of all deductions made by the Assembly; maintaining records of attendance of deputies; keeping and updating account balances; calculating and disbursing payments to deputies for salaries, per diem allowances, representational allowances, and miscellaneous expenses.

Computer Equipment

Two DTK microcomputers, DATA 1000, 640 Kb RAM, one with 30 Mb hard disk, 360 Kb floppy disk drive. One PS/55 microcomputer, 2 Mb RAM, 1,4 Mb floppy disk drive, 60 Mb hard disk. Two printers: Epson LQ 2550; Citizen 120D. One Topaz UPS, 450 watts.

2. Auditing Department

The Auditing Department's main functions are to conduct audits in accordance with generally accepted accounting principles; review the accounting and administrative procedures of the Legislative Assembly's various departments; implement studies of specific subjects or of administrative support units of the Assembly; and, provide analysis and advise the *Directorio* upon request.

Computer Equipment

None.

3. Human Resources Department

The Human Resources Department functions as the Legislative Assembly's personnel office. Its specific duties include: Maintaining vacation schedules and records for employees; issuing certifications of employee salaries at the request of interested officials; writing job descriptions for employees; keeping time records for all employees; developing evaluations of potential new staff; developing performance evaluations of existing staff; maintaining personnel files; administering firings and disciplinary action; maintaining records on retired employees.

Computer Equipment

One DTK microcomputer, model 1000, 360 Kb floppy disk drive, 20 Mb hard disk, Ferrari keyboard. One Citizen 120D printer.

4. Medical Services Department

The Legislative Assembly maintains an infirmary staffed by a doctor and a nurse. The Medical Services Department provides preventative care, first aid and referral services to the staff and members of the Assembly.

Computer Equipment

None.

5. Purchasing Department:

The purchasing Department operates under the same procurement rules and guidelines used by the Executive. These rules contain specific provisions to control the expenditure of public funds and to avoid conflicts of interest.

The Purchasing Department's mission is the procurement of all goods and services required by the Legislative Assembly to enable it to carry out its functions and achieve its objectives. Its specific tasks include: preparation of solicitations or requests for proposals/bids; management of competitive bidding; issuance of purchase orders on awarded contracts; maintenance of inventories and depreciation records for assets; maintenance the Assembly's storage facilities, and verification the acquisition of goods and their distribution to the various departments based on original requisition orders.

Computer Equipment

STORE: One DTK microcomputer, DATA1000, 640 Mb RAM, 360 Kb floppy disk drive, 30 Mb hard disk. Two Citizen 120D printers.

PROCUREMENT: One PS/55 microcomputer, 2 Mb RAM, 1.4 Mb floppy disk drive, 60 Mb hard disk. One Epson LQ 2550 printer, 500 cps in draft mode. One Topaz UPS, 450 watts.

PATRIMONY: One DTK microcomputer, 640 Kb RAM, 360 Kb floppy disk drive, 30 Mb hard disk. One Epson LQ 2550, 500 cps in draft mode.

6. General Services Department

The General Services Department coordinates the provision of food services to members and staff, maintains a staff of ujieres who serve as food service staff and messengers, manages custodial services, maintains a workshop with a staff of carpenters and maintains a staff of auto mechanics to service Assembly vehicles and members' cars.

Computer Equipment

None.

7. The Legal Department

The legal department is an administrative unit that provided counsel to the Executive Director and subordinate departments in the execution of such issues as personnel matters and contracts with outside entities.

Computer Equipment

None.

VI. OTHER INSTITUTIONS RELATED TO THE LEGISLATIVE PROCESS

In addition to the Executive branch and the autonomous state institutions previously mentioned, there are at least two institutions outside the legislature whose work bears directly on the constitutional authority of the legislature to make laws. These are:

1. The Controller General's Office

The Controller General's Office is responsible for auditing the expenditures of all government agencies. It's final report and Statement of Liquidation must be reviewed and approved by the Legislature. The Controller General plays a counterpart role to the legislature in its review, amendment and approval of the principal government branches' budgets. This relationship is beneficial to the extent that the legislature has access to, can rely on the independence of, and can process the information provided by the Controller General.

2. The Attorney General's Office (*Procuraduria de la Republica*)

The Attorney General's Office has taken on significant

WORKING DRAFT

importance in its relationship to the Legislature through its well organized and successful efforts to mount a computerized data base and cross-referenced index of Costa Rica's legislation and jurisprudence, known as the Existing Legislation System (SLV). While the work of the Attorney General's office is impressive and has clearly been professional, steps must be taken to insure that the Legislature is properly engaged in the Attorney General's efforts. This is true for several reasons. First, it is fundamentally important that agreement be reached with the Assembly on a uniform format for bill drafts so as to facilitate data entry into the SLV system. Second, it is critical that the Assembly be fully aware of the details of the codification effort underway in the Attorney General's office, so as to avoid such potentially explosive political problems as the "silent repeal" of legislation. Early involvement of the Legislature in the Attorney General's efforts will serve to alleviate concerns expressed by the legislature about their lack of involvement to date.

The importance of the SLV to the legislative process in such that the drafters of this report have included the following description of the system which was provided by the Attorney General's office. (N.B. the text was translated into English and edited somewhat for clarity.)

[BEGIN TEXT]

EXISTING LEGISLATION SYSTEM PROJECT.

The Existing Legislation System project (SLV), which is currently being developed by the Attorney General's Office attempts to implement a hope of Costa Rican society, and in particular its judiciary, since the dawn of its republican life to be able to count on a system which provides reliable information on existing laws and upon those that are hereafter established, and which today, thanks to computer technology, is feasible to implement.

In the first place, it must be stated that developing the SLV has been a new experience for the Attorney General's office in two respects: on the one hand it is the first activity financed by outside resources implemented by the Attorney General's office, and on the other, this project is being developed with the aid of new technologies for copying, transmitting and filing legal documents which are being developed on a daily basis by legal staff.

INSTITUTIONAL LOCATION.

In a three-tiered division of powers within the state, corresponding to a system of checks and balances, the Legislature is assumed to be the branch which creates the Law, the Judiciary applies it and the Executive sanctions and publishes it.

This public information service was entrusted to the Attorney General's Office of the Republic as an ideal institution to implement the delicate task of completing this project, taking into account the institutional prestige of this Executive branch entity as well its acknowledged experience in library and index management.

The Attorney General's Office began execution of the Project in early 1989 through a bilateral agreement with ILANUD, which is the implementing institution for the Assistance Agreement between the Republic of Costa Rica and the United States of America for a Project of Improvement in the Justice Sector (AID Project #515-0244 and its attachments, signed September 14, 1988).

PROJECT SCOPE

In initiating the execution of the first phase of the Project, the Attorney General's Office received technical assistance from Dra. Ana I. Garita of ILANUD who introduced a series of tasks and conceptual definitions from the Criminal Justice Information Compilation and Dissemination Systems Project which continue to describe and constitute the foundation of the following stages.

The Legal Macrothesaurus:

The project started with the need to develop a well defined legal vocabulary. Thus, beginning in March 1988, a Legal Macrothesaurus was developed which aimed to provide a source of legislative information which, depending on its scope, would facilitate the creation of a collection of key words and descriptive phrases for use in implementing the goals of the Project.

Therefore, Costa Rican attorneys and professionals specializing in the various branches of Law engaged in research through a workshop, producing an Output, which incorporated pertinent suggestions, in June of 1988.

WORKING DRAFT

Furthermore, in September of that same year, a Regional Workshop was held in Guatemala, with hopes of using that document as a regional prototype, to be adapted to include descriptions in accordance with the participating countries' needs.

In October of 1989, a new Workshop on the Revision of Legal Thesauruses took place in our country, in which Costa Rican and other Latin American specialists participated in the revision of the controlled legal vocabularies developed up to that time.

Computer Programs:

Several computer programs were implemented, the most important ones being one that facilitated the development of a Relational Data Base and another which operates the thesaurus.

Documentary Support of the System:

The documentary support of the System was completed, consisting of all the legislation promulgated and published in the *La Gaceta* and contained in the Collection of Laws and Decrees. Research was conducted at the National Library, the Central Library of the University of Costa Rica, the Library of the Supreme Court of Justice and the Archives of the Legislative Assembly to secure materials and issues of *La Gaceta* not available at the Library of the Attorney General.

Card Indexes:

Besides the card index which the Attorney General's Office previously maintained, which constitutes important documentary support for the System, it was decided to strengthen this resource by acquiring a handwritten legal index compiled by Lic. Arnaldo Jimenez Zavaleta, which indexes legislation chronologically and by subject matter from 1821 (national independence day) through 1976.

STRUCTURE OF THE PROJECT:

The chronogram of the Systemization of Current Legislation Project (SLV), initially estimated at three years, has been subdivided into two large component tasks, consisting of the creation of two large computerized data bases, which are described below.

WORKING DRAFT

The Relational Data Base:

The Relational Data Base (BDR) contains an index of the legislation promulgated beginning in 1821, which notes all modifications to the various laws, identifying also those laws that have been expressly repealed, in order to obtain all legislation that can be presumed to be in effect. Tacit or implicit repeals will be analyzed separately. The information in this data base contains the number, date and title of the law as well as its modifications, both tacit and expressed, substitutions, engrossments or additions, and interpretations. A method to search for the law's name through an index has recently been incorporated (i.e. to search for a law which contains the name of a given area, it is only necessary to type in the area's name for all the laws mentioning the area in their titles to appear).

The fundamental purpose of the Relational Database is to be able to use it to design the system's database, as well as the overall complex of information, allowing, under a scheme of certain information taken from the legal world, to define all software and hardware requirements to be developed.

With this Relational Database, three types of indices could be generated: enacted legislation, repealed legislation and pending legislation. Similarly, it would be possible to make other classifications: current laws, budgetary laws and constitutional reform laws.

SYSTEM DATABASE

The second principal phase of the Project will consist of programming the system, which will contain the full texts of existing legislation, properly indexed by articles through their key words or descriptive phrases and could be consulted through a national network through Radiográfica Costarricense S.A. (RACSA) or by fax.

For this second phase, external consultants will elaborate a technical framework to suit the requirements of the programs, including equipment and necessary organization to perform this public service efficiently.

RESOURCES

WORKING DRAFT

To successfully achieve the proposed objectives, the Project needs, in addition to financial assistance, to have the following four conditions fulfilled:

- a) Adequate installations that would permit optimal productivity by the highly qualified personnel, and which would offer security for the backup logical and documentary archives which, along with sophisticated and expensive equipment are used by the SLV;
- b) A thesaurus of key words that would permit a systematically rapid and efficient means of seeking and retrieving information;
- c) Informational tools using the latest technology, that is, advanced programs and equipment that assure an investment available in a reasonable amount of time, at an adequate cost and of an easy convertability to new technological advances in software, hardware and firmware; and
- d) Trained Personnel in the analysis, processing and the consultation that the service will require, given the enormous transcendence that the exactness of the information will offer for decisions taken by the legal community and its operators.

CONCEPTION AND PHILOSOPHY

The SLV Project is conceived as a public information service, free to those who utilize the installations of the Attorney General's Office, and those who access the system by other electronic means will be charged corresponding fees.

The cost of the documents issued will be determined by the photocopying and printing costs of the document(s) requested.

CHARACTERISTICS

There are four characteristics of the System that will permit the setting up of a democratic, open and objective instrument of information:

- 1) **PUBLIC:** administered by a state organ placed within the Executive power (the General Law of the Republic);
- 2) **DEDICATED:** expressly conceived to function in the

WORKING DRAFT

discourse (mentality, training and culture) of a user versed in the Law and without prior knowledge of computers;

3) OPEN: not limited to a determined number or type of user. All persons interested may access the System;

4) GENERAL: in the sense that the system encompass all laws in all the aspects of the law given that it will be specialized for certain areas of Law.

It is necessary to clarify that this Project will function as a module in the Costa Rican Legal Computer Network, once integrated and connected with the remaining modules, will make legal information, legislation, jurisprudence and doctrine, available in a globally familiar form.

OBJECTIVES

This project is conceived as one of the priorities within an ambitious program of improvement in the legal sector, taking into consideration that, in a State of Law such as ours, the authority of the Law occupies the highest level of the social system.

Seeing as security is the fundamental value on which the Judicial System rests, it is essential to empower that which ensures that justice prevails, and therefore the knowledge of existing legislation which results as the *sine qua non* condition for attaining that objective.

This implies that the technology of legal production needs to be substantially improved, providing the legislator with both a broad and expert knowledge on the materials that he wishes so that he may better govern. To this end, the System will include complete information on the topic desired, through different channels with certainty and precision.

An important public service that could arise from this Project is to cleanse the Legal Order specifying which laws no longer exist and the time frame in which they ceased to exist. By utilizing this base of information, the Legislative Assembly could amend the situation, by issuing a law that expressly repeals contrasting laws, or by authentic interpretation that would integrate related laws, that have been repealed or modified and

WORKING DRAFT

present unclear or incomplete legal situations when they are applied.

It is hoped that by this means an end can come to the practice of using the well-worn crutch of "This law repeals all laws that contradict it..." which has led us to an absolutely unhelpful situation of legal uncertainty.

This will almost certainly have repercussions on the quality of legislation produced, given that the use of the thesaurus and the indication of descriptive phrases for each article, in other words the general use of epigraphs, will undoubtedly lead to a systematic and scientific focus on regulated matters and greater specialization among the technical staff that carry out the task of giving body to the legislator's will.

On the other hand, legal professionals, practicing in diverse areas, from judges sitting in court, to lawyers who serve in Public Administration, to litigators who freely exercise their profession to university students, can count on better tools to realize the constitutional norm that Justice should be swift and exact and not merely a romantic statement.

In sum, offering legal security and cleansing our positive Legal Order are the fundamental objectives of this project.

[END TEXT]

In order to help readers of this report understand the needs of the Legislative Assembly, the following discussion of the relative strengths and weaknesses of the institution has been developed. Strengths are enumerated both as intangible and tangible assets. Weaknesses are viewed as opportunities for strengthening the institution.

VII. INSTITUTIONAL STRENGTHS

A. INTANGIBLES

1. Political System Strengths

The country's long democratic tradition and stable political process provides a conducive environment for legislative development.

The independence and autonomy of the legislature is well established.

The improved political climate of the Central American region provides a positive context for development of the institution.

2. Institutional Strengths

The leadership of the Assembly is committed to engaging in efforts to modernize the legislature. They have established clear priorities for directing internal efforts and outside support that is forthcoming. President Juan Jose Trejos Fonseca has appointed a special committee to coordinate the effort internally and to provide liaison with The Center for Democracy-led Consortium for Legislative Development which has been requested to provide technical assistance and act as a facilitating link with external funding institutions.

In terms of its responsiveness to its constitutional mandate and legal underpinnings, as well as its relationship to the domestic democratic process, the Legislative Assembly is a fully modern parliament.

The current consensus to pursue legislative development builds earlier efforts which were both internally generated and externally supported.

The Executive Director and other key staff have expressed their support for institutional development.

WORKING DRAFT

Beyond obvious enthusiasm, the Legislative Assembly has a well developed human resource infrastructure that is prepared to utilize internal and external assistance efforts productively. The Assembly is ready to proceed with a well-designed assistance program, and has excellent prospects for achieving success.

The policy commitment of the Assembly's leadership to modernize the legislature is backed up by a real commitment to allocate and utilize internal sources of funds.

The Executive Director of the Assembly, Olmedo Castro, is the current secretary general of the *Asociación de Técnicos Legislativos Centroamericanos* (ATELCA), which encourages a positive image for the legislature and provides technical staff a mutually beneficial relationship with their regional colleagues.

The Assembly's meetings at the Plenary and Committee level are open to the general public and press with the exception of certain closed meetings to discuss matters of national security.

B. TANGIBLE STRENGTHS

1. HUMAN RESOURCES

The Legislative Assembly enjoys a developed human resource infrastructure through which technical legislative development efforts can be directed. There is a personnel system in place for the legislature's core administrative and technical staff departments. At least 50% of the Assembly's total staff works under civil service contracts, providing considerable (and, in contrast to some U.S. state legislatures, remarkable) institutional memory. Most staff departments are directed by experienced individuals with university-level educations. The Assembly's partisan personnel staff is, on the whole, youthful and generally well educated but works largely for individual members and is, therefore, generally transient, mirroring the complete turnover in elected membership every four years.

2. PHYSICAL FACILITIES

The Assembly enjoys a physical plant infrastructure base to build on.

3. EQUIPMENT

WORKING DRAFT

The computerization process (and corollary experience) has been initiated and limited amounts of hardware and basic software are in use in key areas of the legislature's human resource infrastructure. The legislature's staff is familiar with both the utility and limitations of computer technology, viewing further computerization as a tool to increase productivity and enhance efficiency rather than as panacea for organizational weaknesses.

The Legislative Assembly has developed a far ranging study of the legislature's computerization needs (researched and written by local automation experts with Swedish government support) and has developed a three-year, three-stage plan to implement the effort. Please Refer to Attachment #1 of this report for the full text of this study.

The Assembly possesses essential office machinery, including typewriters, desktop calculators, photocopying equipment and a fax machine. However, this equipment is either insufficient or (as in the case of photocopying machines) is on its last legs.

4. OTHER

Basic management control systems such as internal audit (including a review and evaluation process); an integrated financial accounting system, have been developed manually, are in place and are being utilized.

Some basic legislative services ("tools") such as bill summaries, an index of existing laws by chronological and subject matter, analysis and research of jurisprudence for bills, the overnight production of a legislative journal, a LAN computer system connecting the committees, a scientifically organized library, etc. are provided by separate professional staff departments such as the Departamento de Comisiones and the Departamento de Servicios Tecnicos.

Numerous institutions (universities, professional associations, etc.) exist in Costa Rica that can provide organizational support and resources if linkages are developed as a part of the assistance effort.

Indexing/systemization of extant law exists in print through 1970 and a computerized systemization effort is at an advanced stage of development in the attorney General's office (see discussion in section VI above).

VIII. **OPPORTUNITIES FOR STRENGTHENING THE LEGISLATIVE ASSEMBLY**

Listed below are areas that members and staff of the Legislative Assembly indicated were opportunities for strengthening the legislature. This is divided into four major components: 1) Physical Areas, 2) Equipment, 3) Technical Areas, 4) Politically-sensitive Areas and, 5) Others.

Physical Areas are those which involve non-controversial infrastructure weaknesses. Equipment/Resources involve essential support equipment and resources that are currently deficient. Technical Areas are those in which there is ample consensus that these represent reasonable targets of opportunity for institutional strengthening. Politically-sensitive areas are those which were noted but on which consensus does not exist and/or are subject to continued political/partisan debate. And, Others represent the Consortium technicians' suggestions of opportunities for strengthening the institution. Each major area is subdivided for clarity.

1. Physical Areas

A. Physical Space

The office space currently available for members and party caucus offices is inadequate and inappropriate. The current leadership has named a permanent multipartisan committee to oversee the development and architectural design of a new legislative office building that the Assembly plans to construct.

There is a lack of space in many administrative and technical support areas along with other physical plant limitations (enumerated separately below). Of note is that though well organized, the library's physical space is woefully inadequate.

2. Equipment

A. Automated Equipment

As a first priority, the legislative leadership underscores the need for members to have access to computer technology to automate their offices.

There is not an integrated management information system in existence to encompass such primary technical support

WORKING DRAFT

functions as bill tracking, statutory retrieval, and, in general, a decision support system for the *Directorio* and the political leadership. There is a critical need to establish a modern computer system to keep track of bill histories of bills passed and dropped, to integrate the Attorney General's SLV data base of prevailing laws and jurisprudence, maintain the legislative index within the data base, provide electronic mail, and general office automazation, including text processing, spreadsheets and modem links with outside data bases. (Please refer to Attachment #1 of this report for the full text of the Assembly's computerization study.)

B. Basic Equipment/Resources

The Assembly needs to upgrade and/or modernize essential equipment and resources to support the technical and administrative implementation of the legislative process. This includes the following priority areas:

The Archives Department works in grave peril of losing its unique collection of legislative history to fire or slow decay. The Assembly has underscored the urgent need for microfilm equipment or possibly computer-based technology to copy, store and safeguard the Archives' documents.

The equipment utilized to record and transcribe the Plenary's proceedings must be replaced and/or upgraded to facilitate production of the legislature's verbatim journal. This should include an effort to automate the production of the journal.

Various departments of the Assembly lack or have inadequate basic support equipment such as typewriters, photocopiers, calculators, and fax machines.

Greater resources need to be made available for acquisitions and inter-library connections (universities, bi-cultural center, international data bases). The library could use improved audio visual equipment and may be considered for automation of its already manually well-organized indexes and administrative procedures.

Document reproduction equipment is old, inefficient and inadequate. There is an urgent need to acquire high-speed photocopying or photo-offset equipment to reproduce the vast number of copies of key documents required by the legislature.

WORKING DRAFT

Time clocks currently used to record employee's hours should be replaced by a computer-based attendance system.

A sound system should be installed in all Legislative Assembly buildings, including loudspeakers and an intercom.

The current "patchwork" telephone system is inadequate and inefficient and should be replaced with a unified modern telecommunications system.

The electrical wiring of all Legislative Assembly buildings will need to be upgraded to supply a proper, clean source of electricity for the automated systems envisioned by the Assembly.

The Legislative Assembly's current motorpool is inadequate to tend to the members' transportation needs. Additional vehicles should be acquired to alleviate this problem.

The Assembly's in-house maintenance workshop, requires new equipment, tools and training. Jury-rigged equipment has caused at least one serious injury in the maintenance workshop.

C. Organizational/Training Tools

Basic, fundamental manuals for legislative procedure, bill drafting, etc. to provide operational consistency do not exist (N.B. the drafters of this report understand that an effort to develop these manuals is presently being implemented under the able direction of long-time staffer Lic. Carlos Arguedas with AID financial support channeled through ILANUD.)

A manual of Public Services should be developed to advise visitors and concerned citizens of the services available to them from the Legislative Assembly, as well as to the limitations of these services.

3. Technical Areas

A. Organizational Needs

A master plan, identifying needs and that integrates and coordinates external development efforts does not exist.

Communication and the flow of information in support of the

decision making capacity of the legislature as an institution needs strengthening. For example, more information needs to be made available to members prior to Plenary sessions and the work capacity of the legislature's committees needs to be increased to augment the volume of bills considered and to speed the legislative process.

The public image and understanding of the legislature's (and legislators) role and function is weak. Resources are needed to communicate with the media and design and engage in public education efforts.

Codification/systemization of the nation's laws is an urgent need. Although a project under the Attorney General's office is well advanced, the legislature is noticeably absent from the effort.

Additional emphasis must be placed on the qualifications of the political and professional staff hired by the Assembly.

Institutional linkages are weak, i.e, universities, think-tanks, professional associations have limited contact with the Assembly and hence, the legislature does not benefit from these resources.

The organization Assembly's administrative departments can be improved by combining departments with similar or overlapping responsibilities and duties, and by the consolidation of some independent units into existing departments or the reorientation of other units.

A specific Department of Publications, charged with developing and printing publications required by the Assembly in enhancing its public relations, does not presently exist and should be created. This Department would work through the National Printing Office and private printers. Staff, technical assistance and equipment would be needed to implement such a Department of Publications. }

B. Training

Training programs for Members and staff on legislative practices and procedures do not exist.

Short-term professional training of technical and administrative staff including courses and short internships is needed.

Long-term training (both in-house and university based) is

WORKING DRAFT

needed to improve the expertise of the legislative staff.

C. Technical Requirements

There is no centralized non-partisan bill drafting service to assist the Members in the initiation of legislative proposals, nor is the Assembly participating in the ongoing efforts elsewhere in the government to systematize the nation's laws.

Bill analysis is only performed at a rudimentary level and the fiscal impact of proposed legislation is not analyzed. The Assembly also needs to establish a standardized format for bills.

4. Politically Sensitive Areas

A. Institutional Issues

Tradition, based on political factors, dictates that the officers of the *Directorio Legislativo* and committee chairmen rotate on an annual basis. This limits the ability of members to develop expertise in these areas.

Legislators with additional responsibilities (the *Directorio*, committee chairs, etc.) do not receive additional compensation which may incline them toward not continuing in that capacity. Other Latin American legislatures recognize the additional time and financial burdens of serving in a leadership capacity and provide additional compensation to members serving in the legislature's leadership and, in some cases, committee chairs.

Salary levels for staff (in relation to other governmental bodies) need to be updated.

The internal rules and other internal procedures need review and modification as necessary to allow the legislative process to advance in a responsible and timely fashion. (N.B. Although this continues to be a politically-sensitive issue, a multipartisan committee has been appointed and is making considerable progress on achieving consensus on modifications to streamline the legislative process.)

The Assembly needs to review and possibly expand the number of standing committees.

WORKING DRAFT

The Assembly needs to evaluate shifting part of its workload from the Plenary to the committees.

Votes need to be recorded by individual member.

B. Organizational Issues

The Assembly should consider creating a Department of Strategic Planning, Organization, Methodology and Control.

The Legislative Assembly should emancipate itself from the Executive's payroll system implemented by the Mechanized Technical Office.

Members need additional legislative assistants on their staff to effectively execute their legislative responsibilities, especially constituent relations (N.B., while this is, generally-speaking, a technical matter, the allocation of resources to improve this situation could well become highly politicized).

Security at the Legislative Assembly Should be improved. Possibilities include installation of a closed-circuit t.v. surveillance system, acquisition of alarm systems, walkie talkies and modern arms. (N.B. While these are regarded as technical matters by the Assembly they are politically-sensitive for potential external donors).

5. Others

A. Technical

Technical staff currently do not draft bills on a regular basis nor do they analyze legislation programmatically.

No comprehensive orientation program for new members currently exists. This is especially important given the complete turnover in membership every four years and the limited number of deputies with prior legislative experience.

The Assembly does not enjoy an internship program.

B. Politically Sensitive

Legislative oversight of the Executive is not systematically performed.

WORKING DRAFT

Although the Assembly's centralized administrative and technical staff departments are non-partisan, appointments to the central staff are decided by the *Directorio Legislativo* which, by tradition, is controlled entirely by the majority party. This has led at least to the perception among some members that the centralized staff is some degree or another politicized.

IX RECOMMENDATIONS FOR INSTITUTIONAL DEVELOPMENT

The following recommendations for institutional development of the Legislative Assembly are drawn from the Opportunities for Strengthening the Legislature outlined in Section VIII above. The headings in this section are consistent with those used in Section VIII. These recommendations, expressed in short, medium and long-term timeframes, are designed to present a realistic examination of areas that can be addressed by an institutional development program utilizing internal Assembly and external donor resources.

These preliminary, draft recommendations have been developed by the technical experts from the Consortium for Legislative Development with significant input from technical experts of the National Conference of State Legislatures. These initial recommendations must be reviewed, discussed and accordingly modified by the President's Special Task Force for Development. Recommendations are presented based on the order of priority expressed to the drafters of this report by key actors in the Assembly, with MASTER PLANNING representing the highest priority.

I. MASTER PLANNING

Discussion:

The Costa Rica Legislative Assembly has commissioned at least two major studies to guide its leaders in directing the legislature's institutional development efforts. Among these are a comprehensive study of the automated management information needs of the Assembly, developed with the sponsorship of the Swedish International Services (SIS-SWEDSERV AB). As previously mentioned, a copy of the draft study is appended to this report at Attachment #1. The Assembly has also commissioned a second major organizational study through Peat Marwick & Co. A copy of this study will be appended to this report once it has been made available to the Assembly.

In addition, the Assembly has already undertaken to implement the recommendations of this report in two major areas. The first is the automation of management information needs in which the Assembly is utilizing its internal resources to procure computer equipment to automate individual members' offices. The second area involves the development of procedural manuals through efforts being undertaken by Lic. Carlos Arguedas with the sponsorship of ILANUD.

The President of the Legislative Assembly has stated that he wants the final, authorized version of this report to serve as

WORKING DRAFT

the Legislative Assembly's MASTERPLAN for institutional development in order to provide an overview of the areas where assistance is most urgent and to serve as a TOOL for directing internal and external resources. Therefore, the inclusion of the SIS-SWEDESERV AB and Peat Marwick & Co. reports to this document is intended to incorporate them under into the Assembly's MASTERPLAN.

The following recommendations are intended to expedite the development and implementation of this MASTER PLAN:

Short Term Recommendation 1:

The Special Development Task Force appointed by the President should be formalized to insure continuity in the Assembly's development efforts for the 1990-94 legislative period.

Short Term Recommendation 2:

The Assembly, through the President's Special Development Task Force, should review and revise this document into a MASTER PLAN for development that harmonizes the recommendations of all recent assessments. It will be necessary to convene a formal meeting of the President's Special Development Task Force to review and edit this document with the technical assistance of the Consortium team.

II. PHYSICAL SPACE

Discussion:

The Assembly has designated as its most critical need the deficiency of appropriate and usable office space for the members of the legislature and the party caucuses. While the acquisition of the School House and Castillo Azul buildings adjacent to the Legislative Assembly have helped to reduce chronic crowding, this situation remains critical.

The President of the Assembly has named a special committee to develop plans for an Architects Contest to develop a design for the new Legislative Assembly Office Building. The Assembly plans to invest internal resources and to seek external assistance for the design and construction of the building. Once constructed, the new Office building will free ample space for use by the Assembly's administrative and technical departments.

In addition, the Assembly may purchase another adjacent structure (a private home known as the casa rosada) for use by the

WORKING DRAFT

legislative library. Library officials have, however, expressed concern that the design and construction of this building may be unsuitable for housing and protecting the library's collection.

The following recommendations are intended to assist in the development of the Assembly's plans to expand its working space:

Short Term Recommendation 1:

The Legislative Assembly's special Legislative Office Building committee should seek and receive external assistance from consultants with direct experience in the design and construction of legislative office buildings to assist them in developing their plans for an Architects Contest.

Short Term Recommendation 2:

If the Assembly proceeds with plans to purchase the "casa rosada" adjacent to the Assembly building and utilize this space to house the library, it is critical that the legislature implement a technical study to develop a feasibility study and plan for modifying the space to safeguard the library's collection.

Medium Term Recommendation 1:

In order for the Assembly to develop the necessary funding to finance the construction of the building, it is recommended that a fund be established using internal Assembly resources as a base, and that matching contributions be sought to augment this fund from Colones under the control of donor agencies and institutions operating in Cost Rica and from grants of funds from outside Costa Rica.

Medium Term Recommendation 2:

The Special Committee should investigate and review the probable public reaction to the development of the Legislative Office Building and should seek to implement efforts to ensure a positive public response to the project. Elements to consider in implementing this recommendation include disseminating accurate, positive information through individual deputy's offices and examining press attitudes toward the project and providing them with accurate, positive information.

III. EQUIPMENT AND RESOURCES

Discussion:

WORKING DRAFT

The Costa Rican Legislature is a mature institution that suffers from a lack of modern information management technology and other basic equipment and resources. Professional lawmakers and legislative staff require specialized information systems, basic hardware and technical support to help them fully assert the role of the legislature in the process of democratic governance.

As noted above, the Assembly possess essential office machinery, including typewriters, desktop calculators, photocopying equipment, motor vehicles and a fax machine. However, this equipment is either insufficient or (as in the case of photocopying machines) is overworked and unreliable.

The computerization process has begun in earnest in the Assembly. As noted above, there is computer equipment in use in almost all departments of the Assembly, including a Local Area Network in the Committees Department. It is critical that the Legislative Assembly as an institution not fall behind the other branches of Costa Rica's government in the application of automated (computer) equipment to its work. Moreover, the Assembly's staff has had direct experience in applying computer technology to the Assembly's existing management information systems and is well prepared to make full use of a more sophisticated and integrated system. The Legislative Assembly has prepared advanced plans, referred to earlier, for implementing an automated management information system and has developed a three-year, three-stage plan to implement the effort.

In addition to these equipment needs, the Assembly has the need to improve some of the organizational and training tools it has available.

The Equipment and Resource Needs of the Assembly can be broken down into three categories: Basic Equipment & Resources, Automated Equipment, and Organizational/Training Tools. Recommendations for these three areas follow:

A. AUTOMATED EQUIPMENT:

Opportunities where modern computer applications would have immediate, positive impact are abundant and easy to identify. For example, the daily production of minutes from the previous day's plenary debate are currently reproduced on a mimeograph machine. Simple desk-top publishing hardware and software would produce a professional product in less time. At the end of the year, these minutes currently are sent out to the national printing office where an annual compilation of minutes is produced. With desk-top publishing, daily minutes could be saved

WORKING DRAFT

on computer disk, and at the end of the year the compilation could be produced in-house in a simple, quick and less expensive procedure. In the archives and library, indexes should be automated to provide easier access to those collections.

In Technical Services and other legislative departments, a simple increase in wordprocessing capacity would greatly augment productivity and improve the quality of work products. In the areas of finance, both for internal budgeting and for the Treasury Committee, "number crunching" applications would greatly enhance the legislature's ability to independently analyze and propose innovative remedies to difficult fiscal problems.

Most importantly, the Legislature should be provided with new computer equipment and information management systems that upgrade current systems and that provide necessary new applications such as bill tracking, data base management and desk-top publishing.

Short Term Recommendation 1:

A thorough short term assessment of the Assembly's computerized MIS needs has already been implemented through the SIS-SWEDSERV AB study which contains detailed network design and background information. External donor support for implementation of the plan should, therefore, be sought immediately.

Short Term Recommendation 2:

Once donor commitments have been secured, it is recommended that key staff and members engaged in this project conduct field visits to countries where legislatures have automated their management information systems and principal support functions. The Brazilian Congress, the Guatemalan National Congress and U.S. state legislatures are recommended. The Inter-American Development Bank is currently planning to sponsor such a trip for a small group from the Costa Rica Legislative Assembly to two or three countries to study IDB automation projects that have been previously implemented.

Medium Term Recommendation 1:

It will be important to work with the donor agency or agencies to develop a detailed implementation plan that takes into account the experience of other parliaments in utilizing computer technology. This implementation plan should have as its fundamental goals to choose the most adequate software and to create a complete software

WORKING DRAFT

development program. It will also be important to insure that each area of the Assembly where automation or upgraded automation is needed and will have a profound impact is contemplated. This should include each major department and area described in Section V of this report, including, but is not necessarily limited to:

The *Directorio Legislativo*

The Party Caucuses (Fracciones de Partido) Individual Members offices

The Congressional Record (Departamento de Actas)

The Committee Department

The Archives Department

The Secretarial & Drafting Department

The Technical Services Department

The Financial Department

The Audit Department

The Human Resources Department

The Medical Services Department

The Purchasing Department

The General Services Department

The Legal Department

It is recommended that the implementation plan be developed also with the needs of the Assembly's leadership to receive and process information in mind. This will require cataloguing the information processed by each department and office, the degree to which that information is currently organized and the persons who, ideally, should receive the information. It is highly recommended that such a study be implemented quickly and that technical assistance be directed to assist departments and offices to help them organize their information management in preparation for automation.

Medium Term Recommendation 2:

The assembly should budget internal resources to place on permanent staff a fully-trained LAN manager and other technical staff to maintain and support the automated MIS. This staff would form a central Computer Support Department that would have the following essential responsibilities:

- 1) basic set up and servicing of hardware;
- 2) training programs for computer system users; and,
- 3) system planning and innovation using new technologies and applications.

Long Term Recommendation 1:

WORKING DRAFT

The Assembly should plan for the inevitable obsolescence of the computer hardware and software obtained under the project. This will involve budgeting internal resources to purchase replacement hardware and software as this becomes necessary. In order to gain maximum utilization from the system installed under this project it will be of critical importance for the Assembly to set aside resources to procure software and hardware (RAM, etc.) upgrades as these become available or are needed.

B. BASIC EQUIPMENT & RESOURCES:

While the automation of the Assembly's principal functions is a top priority of the Assembly's leadership and staff, it is also extremely important that the severe need for basic equipment improvements outlined in subsection B below also be met.

For example, the legislature should implement a complete overhaul of electrical and fire prevention systems in the legislative building. The current electrical system poses a serious fire threat to the legislative building and its inhabitants. Overloaded circuits are commonplace. The introduction of new, sophisticated equipment will require modern electrical wiring, providing a clean, steady source of power. In addition, with a relatively small investment, fire protection for the Assembly's important archives, and for building employees, could be significantly improved.

Also, to cite an example, the Maintenance Division within the General Services Department is severely underfunded. Maintenance staff have had to resort to constructing their own tools such as circular saws. At least one serious injury has resulted from the use of a makeshift power tool. Because it appears unlikely that the legislature will completely abandon its current building, it is important that maintenance be conducted in an effective manner. A well-maintained structure benefits those who work there, and not insignificantly, helps bolster public pride in the legislative institution.

Short Term Recommendation 1:

The President's Special Development Task Force should direct the Purchasing Department, with the assistance of other appropriate staff sections, to furnish it with a list of existing non-consumable technical support equipment and, using this inventory as a guide, the Task Force should develop a list of needed non-consumable equipment including,

but not necessarily limited to:

Off-the-Shelf Items:

- ◆ Basic support equipment, including:
typewriters, photocopiers, calculators, and fax machines.
- ◆ Books and reference materials needed by:
The Library, the Technical Services Department and the
Committees Department

Major Infrastructure:

- ◆ Microfilm equipment for the Archives Department
- ◆ Improved audio/video to record the Plenary's proceedings
- ◆ High-speed photocopying or photo-offset equipment
- ◆ A sound and intercom system for the entire Legislative Assembly
- ◆ An integrated, modern telephone system
- ◆ Vehicles to expand the Assembly's motorpool
- ◆ Tools and equipment for the Assembly's maintenance workshop
- ◆ Remote video security equipment, alarms, modern arms

Physical Improvements:

- ◆ Upgraded, modern electrical wiring of all Assembly buildings

When developing this list, care should be exercised to provide specifications for high quality equipment for which routine maintenance is readily available in Costa Rica. Also, where major infrastructure is concerned, the list should contain a detailed description of the work load to be handled by the recommended machinery (e.g. number of copies to be produced, etc.)

Short Term Recommendation 2:

The President's Special Development Task Force should expedite the development of a list of emergency equipment in the Off-the-Shelf category for which external resources can be solicited.

Medium Term Recommendation 1:

Once the full list is complete, it should be reviewed to determine which elements can or must (i.e. weapons) be addressed using internal resources and which elements will require external assistance. Major Infrastructure and Physical Improvements projects must be assigned a priority so they can be properly investigated to insure that appropriate equipment and/or improvements are procured.

WORKING DRAFT

Based on this initial assessment, the Assembly's top three priority projects are:

1. Microfilm or similar technology for the Archives Department
2. Improved audio/video to record the Plenary's proceedings
3. High-speed photocopying or photo-offset equipment

Medium Term Recommendation 2:

Internal resources will have to be committed to those elements of the master procurement list as are appropriate and external resources will have to be requested and programmed to implement the recommended procurement. It will be important to coordinate and direct external assistance as no single donor agency is likely to be interested in sponsoring the entire list.

C. Organizational/Training Tools:

The Legislature should develop a complete set of staff manuals in areas where specialized knowledge and procedures are required to effectively perform staff functions and responsibilities. Staff manuals that cover work procedures, work product standards and specifications, personnel rules, and other aspects of staff responsibilities are important tools for legislative employees. The development of new staff manuals should be based on a comprehensive review and prioritization of opportunities to create these documents.

Short-Medium Term Recommendation 1:

Lic. Carlos Arguedas should continue the work he has begun in developing basic, fundamental manuals for legislative procedure, bill drafting, etc. to provide operational consistency. The scope of this project should be increased to cover other aspects of legislative process and procedures where manuals can play a pivotal role as organizational and training tools.

Short-Medium Term Recommendation 2:

A manual of Public Services should be developed to advise visitors and concerned citizens of the services available to them from the Legislative Assembly, as well as to the limitations of these services.

IV. TECHNICAL ASSISTANCE & PROFESSIONAL DEVELOPMENT

Discussion:

Legislatures are only as effective as their members and staff. Often, the job of legislating demands knowledge of unique skills and concepts not learned in the course of normal educational or career experiences. Special training and exposure to other legislative systems and techniques can have an enormous impact on the quality and effectiveness of legislative activities. The recommendations contained in this subsection are broken down into the following categories A) Legislative Exchange Programs, B) Training Programs, and C) An Internship Program.

A. Legislative Exchange Programs:

No learning experience has so profound an impact or lasting effect on institutional change as direct contact with other legislative systems and personnel. The Costa Rican Legislature is a mature institution, but it has developed largely in isolation. Without exposure to other, comparable legislative systems, Costa Rican legislators and staff must invent solutions to institutional problems on a case-by-case basis.

The experiences of organizations such as the National Conference of State Legislatures and the American Society of Legislative Clerks and Secretaries and most recently of the *Asociacion de Tecnicos Legislativos Centroamericanos* (ATELCA) clearly demonstrate the benefits of institutional exchange as a catalyst for legislative innovation and improvement. Through contact with lawmakers and staff professionals from other legislative bodies, Costa Rican officials can be spared time spent "reinventing the wheel," learn about organizational, procedural and policy options that are effective elsewhere, and develop lasting international relationships that will yield benefits for future generations of lawmakers and staff.

Short Term Recommendation 1:

Internal and external resources should be secured to support the participation of Costa Rican technical staff in activities being developed by the *Asociacion de Tecnicos Legislativos Centroamericanos* (ATELCA)

Medium-Long Term Recommendation 1:

A broad-based, longterm program of legislative exchange should be developed that provides members and staff of the

WORKING DRAFT

Costa Rican Legislature with opportunities to observe other legislative systems, procedures and facilities in Latin America, North America and Europe. The purpose of these exchanges is to allow participating legislators and staff to share ideas and information with their counterparts in other legislatures, securing at the same time, counterpart inputs of seasoned technical assistance for the institutional development of the Assembly.

B. Training Programs:

A comprehensive training program for legislators should be established in the Assembly. At a minimum, this program should include the following elements:

Short Term Recommendation 1:

An orientation program should be developed for the members of the Assembly. Although the members of the current legislature have been working for almost a full year, most do not have prior legislative experience and could still benefit from this type of training. In addition, such a program which built on past efforts, such as the 1987 Seminar for Legislators could be used to institutionalize a regular orientation program for deputies after each general election. This is especially critical given Costa Rica's constitutional prohibition on parliamentary reelection.

Medium Term Recommendation 1:

A training program should be developed for interested committee chairmen on parliamentary procedure, committee responsibilities and meeting management.

Other training opportunities for legislators include leadership skills and concepts, investigative techniques for chairs of "special committees," and specific issue orientations on topics such as international trade and finance, solid waste management, or community economic development. Consideration should be given to the feasibility of offering generic training topics (such as leadership skills or meeting management) on a regional basis as a vehicle to bring together legislative leaders from the various Central American countries.

Medium Term Recommendation 2:

A Media training program assisting deputies in how to deal

WORKING DRAFT

effectively with the press should be developed. Members of the parliamentary press corps should be involved in as many activities under this program element as possible so as to encourage them to better understand the operations and responsibilities of the legislature.

The staff of the Costa Rican Legislature are impressive both in their professional abilities and in their dedication to the institution and its members. Unfortunately, they have not been given the proper tools or specialized training necessary to realize their full potential as contributors to the success of the legislative process.

A comprehensive training program for professional staff should be developed that provides a wide range of training opportunities to both central and partisan staff.

Medium Term Recommendation 3:

Staff training programs should be developed and offered, among others, in the following general categories:

- 1) legal drafting techniques and concepts;
- 2) basic research/analytical skills and resources;
- 3) computer skills and exposure to relevant computer applications;
- 4) modern management skills for staff directors;
- 5) constituent service techniques for personal staff, and
- 6) public information and educational outreach strategies.

Initial staff training programs should be coordinated by groups or persons with experience in the fields of training program development and implementation. However, a concurrent effort should be undertaken to reinforce the Assembly's incipient in-house Staff Training Department so that continuing education programs can become a routine part of staff development.

Long Term Recommendation 1:

Several key legislative staff members expressed an interest in long-term training through University degree programs.

Within the Consortium for Legislative Development, both Florida International University and the University at Albany, State University of New York offer excellent Masters degree programs in public administration. The University at Albany, State University of New York, in fact, is the only university in the United States to offer an MPA in

Legislative Administration. Funds are immediately available from the Consortium for Legislative Development's regional budget to support at least one degree candidate.

However, the mature state of development and the job security provided by the existence of the civil service in the legislature, the Costa Rica Assembly is ideally positioned to take full advantage of graduate degree training.

C. Internship Program:

Legislative internship programs can be an effective way to add professional resources to the legislature at relatively low cost, and at the same time provide specialized training for potential future employees.

Medium Term Recommendation 1:

The Costa Rican Legislature should develop internship programs and legislative scholarships in cooperation with local universities and other institutions.

IV. ORGANIZATIONAL ISSUES

The Center for Democracy-led assessment team encountered many organizational issues during its discussions with the leadership and staff of the Assembly. Although recommendations in this area are difficult to make without the benefit of a full review of the personnel study being conducted by Peat Marwick, & Co, the following recommendations are presented for study and discussion by The President's Special Development Task Force. It is understood by the drafters that these recommendations involve creating new resources within the legislature and reassigning others. There is great sensitivity to the fact that their feasibility must be fully within the Task Force. Staff, outside technical assistance and equipment would required were the Assembly to wish to implement these recommendations.

Medium-Long Term Recommendation 1:

The Assembly should consider creating a Department of Strategic Planning, Organization, Methodology and Control.

Staff consolidation and reorganization will be key issues facing the Assembly's leadership and staff directors. The Peat Marwick study may adequately address these matters. If

WORKING DRAFT

so, it is important that the legislature respond to the study's recommendations. Current staff organization is overly "flat," a condition that places an extraordinary workload on the executive director. In addition, there appear to be opportunities to consolidate various operations into functionally related groups. Finally, it is possible that some tasks are being duplicated by various staff agencies. These redundancies should be identified and eliminated where possible.

Medium-Long Term Recommendation 2:

The Assembly should consider developing a specific Department of Publications charged with developing and printing publications, in cooperation with the National Print office and private printers, as required by the Assembly as a tool for enhancing its public relations. This Department would help respond to a universally-expressed need to get accurate and positive information on the Assembly and its activities to the press, pressure groups and the general public.

Medium-Long Term Recommendation 3:

The Assembly should consider establishing a Research & Bill Drafting Office attached to the legislature's library. Such an office would fill two gaps currently encountered by legislators:

1. It would provide a professional and non-partisan service to research and write papers on topics and issues of concern to legislators in the course of their work
2. It would provide a non-partisan bill drafting service for members currently not fully provided by any other department of the Assembly.

The creation of such an office would draw upon the library's excellent degree of organization, availability of source material and would be enhanced by the library's reputation as a non-partisan servant of the legislative process.

Medium-Long Term Recommendation 4:

The Assembly should consider creating a Bill Status and Indexing Office attached to the Office of the Secretary. The Committees Department would have to play a key supporting role to such an office. Such an office would

WORKING DRAFT

draw on the already well advanced efforts of the Committees and Computer Department to develop a computerized Bill Status system. Attaching the office to the Office of the Secretary would be consistent with the organizational structure of the Assembly.

Medium-Long Term Recommendation 5:

The Assembly should consider creating an Office of Revisor of Legislation attached to the Technical Services Department. Such an office would provide the legislature's interface with the Sistema de Legislacion Vigente project described elsewhere in this report. The input and extraction of legislation and jurisprudence into and from the SLV data base is consistent with the Technical Services Department's mission.

Medium-Long Term Recommendation 6:

The Assembly may wish to consider establishing a Department of Program Evaluation to exercise a "legislative oversight" function. Many legislatures find that fully responding to their institutional responsibilities not only means passing laws--it also means regularly reviewing executive branch implementation on enacted legislation to ensure that government programs are being operated according to legislative intent. Obviously, this recommendation touches on a complicated issue that would have to be carefully reviewed by the Assembly's leaders.

WORKING DRAFT

VII. Politically Sensitive Areas

The drafters of this report have attempted to avoid straying beyond their mandate to describe and offer initial recommendations for addressing the Legislative Assembly's keenest technical development needs. The reader will note, however, that a series of Politically Sensitive Areas are described in Section VIII above. The drafters do not intend to make recommendations on these areas, but rather only note that these are a few of the institutional issues that the political leadership of the Assembly will continue to grapple with as they press on in their efforts to modernize Costa Rica's parliament. The drafters are pleased to report, however, an extremely high degree of multipartisan participation and support for fundamental institutional changes, as witnessed by the continuing, successful efforts of the pluripartisan special committee on revising the Assembly's internal rules.

ASAMBLEA LEGISLATIVA

SAN JOSE, COSTA RICA

PROYECTO DE MEJORAMIENTO INSTITUCIONAL

DE LA ASAMBLEA LEGISLATIVA

DE COSTA RICA

21 de marzo de 1991

PROYECTO DE MEJORAMIENTO INSTITUCIONAL DE LA ASAMBLEA
LEGISLATIVA DE COSTA RICA

Informe de la Misión de Técnicos expertos del Consorcio para el Desarrollo Legislativo y de Técnicos expertos de la Conferencia Nacional de Legislaturas Estatales, quienes durante los días 23, 24 y 25 de enero de 1991, estudiaron la operación del Primer Poder de la República, entrevistaron a miembros del Directorio Legislativo, Jefes de Fracciones Políticas, Diputados y plana mayor de la estructura administrativa, con el fin de tener una visión lo más clara posible sobre los problemas que aquejan a dicha institución, y plantear recomendaciones que permitan solucionar en buena forma los problemas detectados. La misión regresó a Costa Rica los días 20 y 21 de Marzo para revisar el presente documento.

La misión estuvo integrada por los señores:

Dr. Aldo Baaklini

Dr. Allan Rosenbaum

Daleb Mc. Carry

Gerald Reed

Dr. Charles Dawson

Brian Webberg y

Arturo Pérez

quienes tuvieron como contraparte de la Asamblea Legislativa, al Lic. Olmedo Castro Rojas, Director Ejecutivo, Prof. Oscar Gutiérrez González, Subdirector Ejecutivo, Prof. Humberto Morales

Turman, Asesor del Directorio Legislativo. y los señores diputados Lic. Ovidio Pacheco Salazar, Primer Secretario del Directorio Legislativo y el diputado José Joaquín Chaves Zamora, miembro de la Fracción del Partido Liberación Nacional.

METODOLOGIA DEL ESTUDIO:

El procedimiento seguido para detectar la problemática de esta institución fue la entrevista personal a los Jefes de Departamento, a los Jefes de Fracción, a miembros del Directorio Legislativo, así como al asesor del Directorio y al asesor de la Comisión de mejoramiento del Departamento de Servicios Técnicos. Además se hicieron visitas de observación a las unidades administrativas que se consideró conveniente, así como a la Procuraduría General de la República para conocer del proyecto de Índice Legislativo que allí se desarrolla y que complementará las actividades de esta Asamblea en cuanto a procesamiento de información relativa a la elaboración, reforma y derogatoria de las leyes que se editan en Costa Rica.

DIAGNOSTICO DE LA SITUACION ACTUAL DE LA ASAMBLEA LEGISLATIVA:

De las entrevistas realizadas y de la observación pragmática de los hechos, se desprenden las siguientes conclusiones en cuanto a cuáles son los problemas que aquejan a esta institución:

A) Espacio físico.

Falta espacio físico tanto para el desarrollo de las actividades técnico-parlamentarias, como para la labor

del plenario legislativo y de la planta administrativa, así como para la operación de los despachos personales de los señores Diputados y su personal asistencial. Los edificios fueron proyectados originalmente para otras actividades: Casa Presidencial y centro educativo, por lo cual, la distribución interna no responde a las necesidades de la institución, además de encontrarse el personal y sesiones plenarios prácticamente hacinados por falta de espacio, las oficinas están mal ventiladas, y no hay suficientes vías de acceso por lo cual, se torna muy peligrosa su evacuación en caso de incendio, terremoto o peligro de cualquier naturaleza.

B) Sistema de información legislativa:

La Asamblea Legislativa maneja enorme cantidad de documentos con información muy valiosa tanto por su contenido histórico como porque participan del proceso de formulación, reforma o derogatoria de las leyes que rigen las actividades públicas y privadas. Esa información fluye desde las Comisiones Permanentes y Especiales, así como del Departamento de Actas, Archivo, Comisión de Redacción, Departamento de Secretariado y Redacción, Secretaría del Directorio, Plenario Legislativo y Biblioteca.

Durante este proceso, la información es grabada y reproducida textualmente por transcripción en

microcassettadores para su reproducción por computadora, en los casos de las actas dictámenas de comisión, pero manualmente, por máquina de escribir, en los casos de las actas de las sesiones del Plenario Legislativo. El ejemplar original de las actas de comisión, de los dictámenes de comisión y actas del Plenario, son luego reproducidas por medio de fotocopiadora, en la cantidad mínima necesaria para el servicio de las señoras diputadas, de los medios de comunicación colectiva y para el Departamento de Archivo.

Asimismo, los trámites de órdenes de compra, requisiciones a la Proveduría, control de inventarios, confección de acciones de personal, etc., se hacen por procesos manuales, sumamente lentos y engorrosos, con gran desperdicio de los recursos más valiosos: el humano y el tiempo. No existe un archivo mecanizado de estos asuntos. Para la implantación de un sistema de información legislativa, se requiere, lógicamente, de instalaciones físicas adecuadas, de lo que adolece la Asamblea Legislativa.

C) Falta de equipo moderno para los procesos administrativos y para el proceso legislativo:

Es evidente la necesidad del establecimiento de una red de cómputo para el proceso de conformación de las leyes, que permita llevar el registro mecanizado desde la formulación del proyecto de ley, hasta su

confección y publicación en el Diario Oficial la Gaceta. Únicamente en el Departamento de Contables se le da un seguimiento computarizado mediante una red de computadoras.

Asimismo, hay diversidad de equipo viejo y no compatible entre el poco parque que se tiene de redes computarizados. Los índices en el Archivo y en la Biblioteca operan con medios manuales y en Servicios Técnicos. Los informes de los asadores deben mecanografiarse, con gran pérdida de tiempo y posibilidad de cometer errores de transcripción, por cuanto no se cuenta con equipo de procesamiento de textos.

En cuanto a las actividades del área financiera y de auditoría, las operaciones mecanizadas son muy incipientes en cuanto a desarrollo, y no permiten obtener estadísticas permanentes, que faciliten la toma de decisiones en estos importantes campos de actividad.

CH) Tendido eléctrico obsoleto en cuanto a las necesidades actuales y de crecimiento normal de la institución:

La red eléctrica básica se instaló cuando se construyeron los edificios que albergan las diferentes dependencias de la Asamblea Legislativa, actualmente insuficiente dado el crecimiento normal y desplanificado que ha tenido la institución, por lo cual, se ha creado una red eléctrica "externa", con

circuítos sobrecargados que representan un constante peligro tanto de fallas, como de incendio, además, que es insuficiente en razón de la adquisición de nuevo y más sofisticado equipo que ha hecho la institución, tal como máquinas de escribir electrónicas, nuevos sistemas de comunicaciones, una red con terminales y algunos microcomputadores para el servicio del Departamento de Contables.

D) Archivos:

Los archivos son operados manualmente, los documentos se guardan en archivadores de metal y en estantes de madera, y se reproducen por medio de fotocopadoras, lo que causa el lógico deterioro de los mismos, su pérdida, extravío y posibilidad inminente, dado lo expresado en el aparte anterior sobre la red eléctrica, de sufrir su total destrucción por incendio.

E) Sistema de sonido:

Falta de un sistema de sonido e intercomunicación para toda la Asamblea Legislativa, así como una más moderna y de mayor capacidad central telefónica, pues la actual se encuentra totalmente saturada y produce problemas constantes de "cruce" de llamadas, interrupciones y entorpece la comunicación requerida hacia el entorno.

F) Flota vehículos:

La flota de vehículos para la institución es insuficiente y no posibilita una adecuada comunicación

de los legisladores para con sus comunidades.

G) La Biblioteca de la Asamblea:

La cual es utilizada tanto por los señores diputados, como por los servidores de la Asamblea, así como estudiantes y público en general, se concentra en una planta física no mayor de 120 metros cuadrados, incluyendo los estantes donde se colocan los libros, y la planta administrativa, disponiéndose entonces de aproximadamente 10 metros cuadrados para áreas de servicio al usuario, lo cual, a todas luces, es insuficiente e incómodo tanto para los funcionarios de ese departamento como para los que demandan el servicio. Además, no se cuenta con un presupuesto adecuado para la adquisición de nuevas obras de consulta, y mucho menos, para compra de mobiliario y equipo para tan importante servicio. La Asamblea debe llegar a contar con una biblioteca especializada en materia parlamentaria.

H) El Departamento de Actas:

No cuenta con equipo de transmisión que desde el Plenario lleve y grave la información que servirá para tomar el acta de la sesión y reproducirlo, lo que produce atrasos en su transcripción, la cual debe hacerse en estencil y luego reproducir la cantidad de 106 ejemplares, pudiendo incurrirse en errores de transcripción y en altos costos de operación.

I) Departamento de Servicios Generales:

No cuenta con una Sección de Mantenimiento adecuada a las necesidades de la Asamblea, presentes y futuras.

J) Departamento de Recursos Humanos:

Realiza sus trámites manualmente en los referente a los nombramientos, promociones y traslados del personal, así como las asignaciones, reasignaciones y revaloraciones de puestos y depende de la Oficina Técnica Mecanizadora para la emisión de giros correspondientes a los sueldos de los servidores de la Asamblea Legislativa, la cual es una dependencia del Ministerio de Hacienda, lo que resulta en un proceso lento y engorroso.

Por las citadas razones, se ha determinado la necesidad, a mediano plazo, de contar la Asamblea Legislativa con su propio sistema de emisión de giros, para procesar rápida y eficientemente los casos del personal y no depender de otro Poder.

El control de asistencia se lleva mediante tarjetas y reloj marcador, sistema que es obsoleto.

Además, los archivos de los expedientes personales de los servidores se llevan en filles y están expuestos a deterioro y pérdida, por lo que se requiere el establecimiento de un sistema que por medio mecanizado permita rápidamente ubicar al servidor y consultar sus antecedentes e historia laboral, con el fin de facilitar la toma de decisiones en cuanto a movimientos

de personal se refiere.

El estudio realizado por SWEDISH INTERNATIONAL contenía este problema y hace énfasis en la necesidad de su pronta resolución.

K) Ausencia de un Departamento de Planeamiento Estratégico:

La no existencia de un Departamento de Planeamiento Estratégico, ha redundado en ausencia de planificación en aspectos administrativos y presupuestarios, teniendo la Asamblea un crecimiento desordenado tanto en personal como en recursos materiales y financieros, y respondiendo más a criterios políticos que a criterios técnicos.

Este departamento permitiría mejorar la organización y gestión administrativa integrando Departamento con Funciones Afines o similares, los que podrían refundirse en uno solo, unidades independientes que deben pertenecer a algún departamento, y estudiar la creación de nuevas unidades o, la desaparición de algunas en beneficio de la operación de la Asamblea.

Dado que no existen manuales de operación para los nuevos diputados, asesores y asistentes, este departamento se abocaría a crearlos, con el fin de que se les permita a corto plazo conocer la institución, sus responsabilidades y derechos, y les ayude a percibir los servicios que pueda darles la institución para el

feliz cumplimiento de sus deberes parlamentarios. De igual forma, se carece de manuales para el usuario externo a la Asamblea, y que les serían útiles para poder obtener en forma más rápida y eficiente los servicios que por ley debe prestar a los ciudadanos en general.

L) Area del procesamiento automatizado de datos, presenta entre otros los siguientes problemas:

1.- Información duplicada:

A fin de cumplir con sus objetivos y funciones de la manera más adecuada, los departamentos y unidades administrativas llevan archivos de tarjetas duplicados y con información también duplicada.

2.- Procedimientos manuales repetitivos:

Los procedimientos utilizados en su mayoría son manuales y aquellos que han sido automatizados, tienen una alta participación manual, lo que repercute en que la obtención de la información en ocasiones, se torna lenta y onerosa.

3.- Ausencia de un enfoque sistémico al tratamiento de la información:

La información se trata desde un punto de vista particular para cada unidad organizacional, cuya consecuencia es, que se desarrollen enfoques aislados e independientes; e inhibe la integración de la información como conjunto.

4.- Cantidad de información:

La información que reciben y generan las distintas dependencias y unidades administrativas de la Asamblea Legislativa es enorme; con los actuales recursos, procedimientos y apoyo tecnológico, es materialmente imposible darle tratamiento; se hace necesario, el apoyo de herramientas que permitan la sistematización de la información.

5.- Ausencia de estándares, normas y procedimientos para el desarrollo y documentación de sistemas.

La ausencia de los elementos mencionados ha ocasionado que se adquieran sistemas o se desarrollen sistemas en diferentes lenguajes o que no exista documentación de los sistemas.

6.- Ausencia de un plan estratégico de desarrollo en informática:

La consecuencia es que se adquiera equipo sin estudio previo de las necesidades de información.

7.- Ausencia de un plan de capacitación de los usuarios.

M) Ausencia de un programa de capacitación.

No existe un programa de capacitación, que de manera integral, y basado en un diagnóstico técnicamente estructurado, propenda a una preparación individual y general, que le permita al servidor operar eficiente y eficazmente, en beneficio de la institución y sus usuarios, y facilite la carrera administrativa mediante

su desarrollo profesional.

N) Publicaciones.

La Asamblea Legislativa depende para sus publicaciones y la de los señores diputados, de la Imprenta Nacional (adscrita al Ministerio de Gobernación), o de empresas particulares, lo que produce serios atrasos y errores de transcripción en la publicación de las leyes, y costos elevados de operación, que se evitarían con la creación de un departamento de Publicaciones que cubriera esos servicios, y los de impresión de toda la papelería que requiera esta institución, además de poder absorber otros servicios como el de fotocopiado y reparación de documentos.

N) Insuficiencias de equipo de grabación y transcripción.

Actualmente las Comisiones Permanentes de Gobierno y Administración, Sociales y Redacción, trabajan con equipos de grabación y transcripción obsoletos y deficientes, lo cual dificulta la transcripción de las actas.

O) Ausencia de instrumentos de trabajo para los diputados:

Actualmente los diputados y su personal de apoyo, carecen de instrumentos de trabajo indispensables, que les permitan el acceso ágil y oportuno a las fuentes de información existentes para la toma de decisiones.

A través de las entrevistas realizadas, y del análisis

de la información documental reportada por la Dirección Ejecutiva, la Misión de Técnicos Expertos del Ecuador para el Desarrollo Legislativo y de la Conferencia Nacional de Legislaturas Estatales, determinó la existencia de dos documentos sumamente importantes y relacionados con su trabajo de diagnóstico; uno de la empresa KPMG Consultores, consistente en una evaluación de la organización administrativa y otro de la firma sueca RWEDSERV AB, bajo financiación de la Agencia Sueca para Cooperación Técnica y Económica Internacional (BITS), mediante el cual se presenta el plan maestro del Sistema de Información Legislativa (SIL) para simplificar, sistematizar y agilizar los procedimientos y facilitar el desarrollo e implementación de un sistema de información legislativo que sirva de apoyo para el cumplimiento de sus objetivos y funciones a la Asamblea Legislativa.

Con base en las recomendaciones de ambos documentos, que esta Misión comparte, se han de tomar decisiones relativas al proceso de automatización para el manejo de información, y se recomienda incorporar al plan maestro que deberá elaborarse en función de este estudio.

Como consecuencia lógica de los problemas detectados y antes enumerados, esta Misión formula las siguientes recomendaciones, con el fin de subsanarlos.

considerando los recursos actuales con que cuenta la Asamblea, y los que eventualmente podría llegar de organismos internacionales como AID, BID, y BITE.

RECOMENDACIONES

Base filosófica de las recomendaciones

Formulación General de las metas de la Asamblea:

La Asamblea Legislativa y el sistema político de Costa Rica están moviéndose a una fase más activa. Esta democracia política ha crecido desde la pasada década, de manera que la Asamblea ha asentado su papel en la vida política de la nación. Como la Asamblea ha incrementado su actividad, sus miembros han requerido de un mejoramiento y un fortalecimiento de los recursos y capacidad institucional. Entre las principales áreas donde esta situación se ha manifestado son:

- (1) La relación entre la Asamblea y los ciudadanos.
- (2) El papel de la Asamblea en el proceso político-público.
- (3) El papel de la Asamblea en el proceso presupuestario.
- (4) El papel de la Asamblea en el ejercicio del control administrativo.
- (5) El papel de la Asamblea como una institución educativa en el proceso democrático.

Cada una de estas funciones requiere capacidades especiales y recursos adecuados, así como un staff de personal bien entrenado.

Estas recomendaciones proveen un enfoque general de la naturaleza de estas capacidades y de las necesidades requeridas para ejercitar esas funciones.

Uno de los elementos principales en el desarrollo de la capacidad para ejecutar estas funciones es la habilidad de la Asamblea, de una administración comprensiva y de un sistema de información legislativa con los requisitos tecnológicos y los recursos humanos para operar y utilizar ese sistema. En el presente documento hemos enfocado los elementos principales del sistema y sus requerimientos físicos, tecnológicos y humanos.

El aspecto administrativo del sistema

La Asamblea Legislativa como institución tiene un número de funciones administrativas, las cuales son esenciales para su efectivo funcionamiento. Entre ellas se incluyen las siguientes:

- (1) Mantenimiento de un sistema de personal.
- (2) Mantenimiento de un sistema financiero.
- (3) Mantenimiento de un sistema de documentación y archivo.
- (4) Mantenimiento de un sistema de referencia legislativa.
- (5) Mantenimiento de un sistema de divulgación y relaciones públicas.
- (6) El registro y la transcripción de las actividades y debates legislativos.

El componente legislativo de este sistema de información incluye:

- (1) Capacidad de seguimiento de proyectos de ley.
- (2) Capacidad para determinar el estado y referencias de un proyecto.

- (7) Capacidad para el análisis de políticas públicas.
- (8) Capacidad para el seguimiento y evaluación de los programas.

Para el desarrollo de un sistema que cumpla tanto las necesidades de información legislativa, como las de información administrativa, los componentes esenciales que se requieren son:

Primero:

Se requiere la existencia de un bien entrenado y calificado staff de personal.

Segundo:

Es fundamental que los diputados sean debidamente informados y orientados. Además, la tecnología (equipo y sistemas de cómputo) para implementar el sistema, debe responder a estas necesidades. También se requiere de la estructura física y el espacio adecuado para albergarlos. Para detalles sobre estos sistemas, refiérase al estudio preparado por SWEDSERV y la Asamblea Legislativa.

A) Plan Maestro de desarrollo.

El tema que se considera prioritario en cuanto a desarrollo a corto plazo es la confección de un Plan Maestro de Desarrollo que abarque todos y cada uno de los problemas detectados, integrando en un solo; en la medida de su complementariedad, los estudios elaborados por SWEDSERV, por la firma KPMG y el diagnóstico antes citado por esta Misión.

Dicho Plan Maestro deberá servir de guía para el Grupo Especial de Desarrollo, designado por el señor Presidente de la Asamblea Legislativa, con el fin de lograr un desarrollo integral y armónico, que permita a esta institución cumplir en forma más eficaz y eficiente sus responsabilidades en beneficio de la comunidad costarricense.

Es importante destacar como punto prioritario por considerar en este Plan Maestro, la solución del problema del espacio físico, pues la planta física actual es insuficiente e inadecuada.

B) Espacio físico.

Sobre este particular, la Asamblea ya ha caminado algunos pasos hacia su solución, cuales son: adquisición del inmueble denominado Castillo Azul y compra de la Casa Rosada; asimismo, se trató el concurso para escoger la firma que haga el diseño del edificio nuevo que albergará las oficinas del Primer Poder de la República, y ya se escogió al arquitecto que tendrá a su cargo tan importante trabajo.

En el corto plazo, deberán buscarse los recursos económicos tanto de fuentes internas como externas, para hacerle frente a la limpieza del terreno y el

establecimiento de la base de datos del edificio, así como tramitar el concurso interno para escoger la firma que se encargará de la citada construcción, planear la financiación total de la obra, para tramitar a tiempo las solicitudes correspondientes con el fin de obtener los recursos y disponer de ellos en el momento oportuno.

Asimismo, deberá planearse una campaña de información sobre este problema y sus posibles soluciones, con el fin de lograr apoyo gubernamental y de la opinión pública hacia este proyecto, que proveerá a esta institución de una planta física que satisfaga a cabalidad sus necesidades actuales y futuras.

C) Sistema Moderno de Información.

Sobre este tema, deberá implementarse a corto plazo con recursos propios de la Asamblea, y con aporte financiero de la A.I.D. en cuanto a equipo y del BID en cuanto a sistemas de información, el Plan Maestro presentado por SWEDSERV International AB, el cual implica dotar a cada diputado de un microcomputador para sus trabajos de procesamiento de textos referentes a los proyectos de ley y familiarizar y tecnificar al diputado y a su personal de apoyo con los procesos de la informática, así como el establecimiento de un sistema de red que permita conectar el sistema a otras

dependencias o Poderes del Estado, tales como la Procuraduría General de la República, la Corte Suprema de Justicia, la Universidad de Costa Rica, la Contraloría General de la República, Ministerio de Hacienda, etc.

Deberá dotarse al Departamento de Actas con el equipo necesario para agilizar y optimizar el tratamiento de la información generada por las sesiones del Plenario, lo que contemplaría necesariamente, equipo de transmisión, grabación e incorporación de computadoras en la confección y reproducción de las actas, así como en la conservación de la información pertinente, en medio magnético que facilite a fin de período, la confección del compendio anual de minutas de las sesiones del Plenario. Como complemento a la adquisición del equipo y la estructuración de la programación pertinente, de acuerdo con el Proyecto RIL (Sistema de Información Legislativa), deberá contratarse al personal profesional en el campo de la informática para dar soporte y mantenimiento al sistema. Asimismo, deberá dotarse al Departamento de Servicios Técnicos de micros que le permitan procesar textos de forma rápida y eficiente.

A mediano plazo, deberá seguirse con el diseño e

Implementación del sistema de información para el área administrativa, que comprenda las actividades que sean susceptibles de computarizar en los departamentos Financiero, Proveduría, Auditoría, Recursos Humanos, Servicios Médicos, Secretariado y Redacción, Actas y Comisiones y otras del área administrativa.

En el Departamento de Archivo y Servicio Bibliotecario, los índices deberían automatizarse para facilitar la ubicación, acceso y reproducción de los documentos. Paralelo al establecimiento de los sistemas y adquirido el equipo de cómputo necesario, deberá reestructurarse el departamento o Unidad de Cómputo, que contenga personal especializado en mantenimiento y operación del sistema.

Es importante e imprescindible que conforme al diseño del sistema computarizado, se considere asimismo la red eléctrica que lo abastecerá, y de inmediato, se tomen las provisiones del caso, para ir sustituyendo y mejorando la actual, dotándola de unidades de control y seguridad.

Como complemento a la capacitación del personal de la Asamblea en operación de sistemas computarizados deberían aprovecharse los recursos del programa BID, denominado C.T. INTRA (Cooperación Técnica entre países

en desarrollo). el cual facilita recursos financieros para que funcionarios de la Asamblea hagan visitas de observación a otros países latinoamericanos con mayor desarrollo relativo en estos campos, o que estos países provean de técnicos capacitados, para adiestrar a nuestros servidores en estas áreas de actividad.

CH) Departamento de archivo:

En cuanto al Departamento de Archivo, debe a corto plazo, hacerse un estudio que permita determinar las necesidades de equipo de microfilmación, y reproducción de documentos, para presupuestar la adquisición de esos equipos y el material complementario, tal como visores, impresoras, fotocopadoras, equipo de revelado fotográfico, etc.

Asimismo, deberá de inmediato aborarse la Asamblea el diseño de la planta física pertinente para el uso eficaz y eficiente de los servicios de dicho departamento, y que permita asegurar y conservar los documentos que allí se depositan.

Además deberá calcularse y presupuestarse la adquisición de los archivadores necesarios para la conservación de los documentos originales, que amparen la legislación costarricense.

D) Falta de equipo moderno para los procesos

administrativos y para el proceso legislativo.

Aparte del equipo de microfilmación, la Asamblea Legislativa deberá adquirir a corto plazo máquinas de escribir electrónicas, calculadoras, facsimiles y equipo de audio y sonido para registrar los procedimientos del Plenario Legislativo, así como equipo de grabación y transcripción para las Comisiones de Asuntos Sociales, Gobierno y Administración, y Redacción.

E) Creación de un Departamento de Planeamiento Estratégico.

Para lograr un desarrollo armónico e integral y promover la continuidad de los esfuerzos, la Asamblea requiere de una unidad administrativa que mediante estudios de organización y métodos, proponga reformas a los procedimientos, integre funciones dispersas, evite duplicidades de esfuerzo, establezca manuales de operación, y determine las futuras necesidades de recursos, tanto humanos como materiales y financieros para que estos sean debida y oportunamente presupuestados, o sea gestionada la cooperación externa necesaria para complementar los recursos locales.

Asimismo, una unidad de planeamiento estratégico vendría a colabonar con el Departamento de Recursos Humanos en la detección de necesidades de capacitación

del personal, en función del crecimiento institucional proyectado.

Además, debería abocarse a desarrollar un manual de orientación a los nuevos diputados, y un manual de los servicios que brinda la Asamblea, y los procedimientos que deben seguirse para obtenerlos.

También deberá ocuparse de realizar los planes de mediano y largo plazo en base a los lineamientos que en este sentido defina el Directorio y promueva la Dirección Ejecutiva.

F) Fortalecimiento de la capacitación:

Una institución no puede dar más de lo que puedan aportar sus integrantes, por lo cual una de las áreas prioritarias que debe fortalecerse es la capacitación.

El entrenamiento especial y el conocimiento de como se opera en otros parlamentos, pueden servir para incrementar la calidad y efectividad de las actividades legislativas y del área administrativa.

Los programas a desarrollar pueden ser de tres clases:

- a) Programa de intercambio legislativo.
- b) Programa de entrenamiento.
- c) Pasantías.

En cuanto al primero, la integración en instituciones como ATELCA (Asociación de Técnicos Legislativos de Centroamérica) permite el intercambio de conocimientos y experiencias entre servidores de instituciones similares, que facilita luego la toma de decisiones en cuanto a la resolución de problemas institucionales particulares. Asimismo las experiencias de organizaciones tales como la Conferencia Nacional de Legislaturas Estatales y la Sociedad Norteamericana de Oficinistas y Secretarías Legislativas, podrían aportar nuevas modalidades de operación al quehacer legislativo costarricense, y viceversa, multiplicándose así la capacidad de respuesta ante los problemas cotidianos del servidor legislativo; y de los señores diputados.

En lo relativo a programas de entrenamiento, deben desarrollarse a corto plazo programas de introducción al quehacer parlamentario, tanto para diputados como para los servidores de la Asamblea, que les permitan conocer a cabalidad la institución, su estructura, responsabilidades, servicios y modalidades de operación, permitiéndole al recurso humano desarrollar plenamente sus habilidades y conocimientos en un ámbito que le es familiar.

Deben establecerse programas de concientización entre los señores diputados y funcionarios sobre la importancia de la prensa ante la función legislativa, de cómo aprovechar su apoyo y evitar su crítica, para obtener un mayor respaldo de las comunidades hacia los proyectos de los señores diputados, y mejorar la imagen en general de la institución ante la opinión pública nacional e internacional.

Algunas áreas susceptibles de entrenamiento son:

- a) Técnicas y conceptos de formulación de leyes.
- b) Fundamentos básicos en investigación y análisis legal.
- c) Técnicas modernas de administración.
- d) Técnicas parlamentarias.
- e) Fundamentos y técnicas de administración de personal.
- f) Estrategias para información pública y alcance educacional.

Asimismo, a mediano plazo, pueden aprovecharse programas de entrenamiento en técnicas parlamentarias, de post-grado tales como los que ofrecen la Universidad Internacional de la Florida, la Universidad de Albany, y la Universidad Estatal de Nueva York, las cuales otorgan títulos de Maestría en Administración Pública.

y la última en Administración Legislativa. El financiamiento, a través de este consorcio, del cual forma parte esta Misión, está disponible para al menos un candidato.

La Asamblea debería promocionar programas de pasantías y becas, en cooperación con las universidades locales y las extranjeras antes citadas, para sus servidores y para los señores diputados, como medio de facilitar el desarrollo institucional y ampliar la capacidad de respuesta ante los retos que constantemente se les presentan.

6) Creación de un Departamento de Publicaciones:

Dado que la Asamblea debe publicar sus proyectos de ley y las leyes mismas una vez promulgadas, su dependencia de la Imprenta Nacional no es conveniente, pues ésta tiene prioridades diferentes a las de la Asamblea por ser una dependencia del Poder Ejecutivo. Para tener una real independencia, tanto política como administrativa y funcional, la Asamblea debe establecer a mediano plazo su propia imprenta, que le permita publicar un boletín legislativo, que informe a sus usuarios de los proyectos en estudio, de las leyes aprobadas y dé información inmediata y exacta sobre el quehacer legislativo, para que la comunidad en general tenga una idea clara de qué es este Poder y qué hace, y permita

han y conocer la manera de pensar de sus representantes populares y del sentir de los servidores legislativos. Asimismo, un Departamento de Publicaciones facilitaría la confección de la papelería, el empastado de libros para la Biblioteca, la reproducción de material bibliográfico, en fin, satisficaría las necesidades de la Asamblea en cuanto a este importante recurso se refiere y a ahorro de costo.

H) Establecimiento de un subsistema de seguimiento de proyectos de ley:

Para poder tener un eficiente control sobre el proceso parlamentario en cuanto a la formulación, promulgación, reformas y derogatoria de leyes, debe establecerse a mediano plazo, un subsistema legislativo de seguimiento computarizado de los proyectos de ley, desde su gestación hasta su promulgación, el cual servirá de fuente de información de primer orden a los legisladores, al personal de Servicios Técnicos y demás servidores sobre el estado de sus proyectos, y complementará al sistema que está desarrollando la Procuraduría General de la República sobre el Índice Legislativo con lo que se tendrá un panorama completo sobre los proyectos en trámite (Asamblea Legislativa), leyes en vigencia, la relación entre éstas, y cuáles han dejado de operar en razón de su derogatoria

(Procuraduría General de la República). Lo anterior redundaría en un mejor aprovechamiento del recurso humano, y se tendría una noción global más clara del universo legal al que está sujeto el costarricense.

I) Departamento de Recursos Humanos:

Se recomienda al mediano plazo computarizar registros y archivos, con el fin de facilitar la confección de las acciones de personal, llevar un mejor control sobre la ubicación, capacitación y movimientos de personal, tanto del regular como del de confianza.

Asimismo, y para agilizar el pago de los empleados nuevos o de quienes sufren cambios en su estatus laboral, debería establecerse una unidad de pagos dentro de este departamento, que basado en las planillas, emita los giros o cheques por medio de un sistema computarizado, basado en la información que sobre cada servidor contenga la base de datos del mismo departamento.

Además, y como medio de controlar, de manera más completa y eficiente, la asistencia del personal, debe sustituirse el actual sistema de tarjeta y reloj marcador por un sistema que utilizando el carné de identificación, y un marcador adosado a una microcomputadora, registre el ingreso y salida de los

servidores, así como el tiempo extra laborado, y queda calcular por el mismo, el monto salarial que en razón de su asistencia, le corresponde a cada servidor.

ADMINISTRACION Y FINANCIAMIENTO

La Asamblea Legislativa sabe que para la obtención de los recursos necesarios para la implementación de estas recomendaciones, se requiere de la movilización de varias fuentes, internas y de carácter internacional.

Para facilitar la coordinación de estas actividades, las cuales podrían ser financiadas por distintos donadores, se recomienda el establecimiento de un fondo mutuo para el desarrollo legislativo. Todas las contribuciones para la implementación de las recomendaciones (provenientes de AID, BID, Gobierno Suco, Comunidad Europea y otras fundaciones) irán a este fondo; la administración y coordinación del citado fondo estará bajo la responsabilidad de la Comisión Permanente para la modernización de la Asamblea Legislativa de Costa Rica, y el Centro para la Democracia, como institución principal del Consorcio para el Desarrollo Legislativo.

Depto Comisiones y Cómputo
Sección Transcripción
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