

Legislative Institution Subcommittee of LSCC
Futures Study:
Process Summary, Updates, and Recommendations
2007-2008

Goal: Revisit the findings of Legislatures of the Future: Implications of Change as a basis for: identifying horizon issues likely to affect state legislatures; evaluating the currency of the findings of the original task force; establishing guidelines for ongoing research into driving forces; and developing strategies for creating a culture of futures orientation within LSCC and NCSL.

[*Note: page number references within this document are to A Practical Guide to Futures Study.*]

Establish a Focal Question

Purpose: The focal issue is “the guiding light, defining the goal the group hopes to achieve or the question into which they hope to gain insight.” (p. 3)

Original (2000) What actions will be required to keep state legislatures relevant to the democratic process in the year 2025?

2007-08 Update The subcommittee believes that the focal question identified in 2000 remains relevant and that we should continue to look forward about 25 years, reflected in rephrasing the focal question as follows:

What actions will be required to keep state legislatures relevant to the democratic process in the next 25 years?

Strengths, Weaknesses, Opportunities and Threats

Purpose: “An early, candid assessment of group knowledge and skill often reveals hidden strengths and helps target areas of expertise that the group will need.” (p. 5)

Original (2000) Assessment

Strengths of task force: Extensive knowledge of legislatures, representatives from a variety of legislative offices and states, and a universal commitment to the continuation of the legislative institution.

Weaknesses: Inexperience in the process of futures research, lack of representation from many states, insufficient group time to devote to research.

Opportunities: To create a process that allows legislatures to prepare for the future, to improve civic education for the public, to revise the legislative process to better accommodate change, and to use technology to its fullest potential to communicate within legislatures and with the public.

Threats: The inability of legislatures to take long range approaches to institutional problems, difficulty in presenting and articulating the results of task force activities in an interesting and persuasive manner, shortage of advocates for futures research in state legislatures. (p. 7)

2007-08 Update

Strengths of Subcommittee: Extensive legislative experience and variety of staff positions represented; leadership staff on subcommittee; can build on work from 2000; NCSL has a strategic plan; subcommittee is committed to the cause; NCSL staff for the subcommittee were also involved in 2000 effort.

Weaknesses: Partisan staff underrepresented on subcommittee; subcommittee has fewer members than 2000 group; lack of familiarity with earlier work and futures study; and limited timeframe for work.

Opportunities: Ability to look at earlier work from a new perspective; and increased media attention on problems in legislatures.

Threats: Difficulty of encouraging future thinking in the traditionally reactive legislative institution.

Develop a Sense of History

Original (2000)

The task force looked back 30 years, at these areas:

- Legislators;
- Legislative Staff;
- Legislative Procedure and Operations;
- Legislative Infrastructure;
- Legislative Role in Policymaking;
- Public Support for State Legislatures

2007-08 Update The subcommittee did not believe anything needed to be added to the existing history.

Identify and Assess Driving Forces

Purpose: A “driving force” is a “trend or forecast that has a high likelihood of affecting or changing the course of future events and the focal issue.” (p. 11) These must be identified in order to decide the “full range of possible or probable directions that the future may take.”

Original (2000) see Legislatures of the Future: Implications of Change.

2007-08 Driving Forces Update

[Note: see Researching Horizon Issues in Driving Force Areas for information on how research was conducted.]

What are the driving forces that “directly affect” legislatures and legislative staff?

- There are differences between driving forces that affect *the institution* versus those that affect *the process*? For example: What will legislators be voting on? How will they be doing their work? What does the public expect?
- While there are clearly policy implications deriving from the driving forces, the subcommittee is charged with focusing on implications for the legislative institution itself.

The subcommittee prioritized horizon issues in each of the following driving force areas as identified by the 2000 task force:

Environment

- Climate change
- Issues increasingly cut across the subject-matter lines of legislatures' committees, such as environment and economic development.

Demographics

- Birth rates and immigration will change the racial and ethnic makeup of the U.S. (some states more quickly than others), which will change the makeup of legislatures and legislative staff.
- Experienced staff will decline as baby boomers retire.
- Cultural changes expected as younger workers increase (work-life balance, etc.).

Technology

- Increased ability for people to communicate will increase demands on legislators to be responsive. Constituents will expect increasingly responsive, transparent government.

Economics

- Federal deficit will cause increasing push for states to take over funding of previously federally funded projects.
- Markets are increasingly international, which will challenge the current significance of state boundaries; things will become less wholly local.
- Globalization means increasing dependence on other countries—food and product safety, natural resources, work force, etc.
- U.S. educational system will be challenged to produce citizens who can compete in the global economy.

Politics

- States with term limits may see increasingly partisan staff and will lose experienced legislators and staff.
- There is great potential for expansion of the use of various types of direct democracy.
- Change will be driven by demographics, economics, and environmental concerns, and enabled by technology.

Broad Trends

- Individual trends, especially in technology, mean that the pace of change in all areas will be faster than in the past. Ability to be flexible/manage change will be important.
- Term limits and demographic changes, combined with technological changes, will cause less experienced legislators and staff to be overwhelmed with information.

[Note: see separate reports for details on horizon issues in specific driving force areas.]

2007-2008 Recommendation Maintain information currency and monitor horizon issues on a continual basis; specific recommendations can be found in Researching Horizon Issues in Driving Force Areas.

Identifying Critical Uncertainties

Purpose: Critical uncertainties are driving forces that are somewhat uncertain. It is unclear what direction or trend this type of force will take, but a swing in one direction or another has a profound impact on the future and the focal issue. (p. 13)

Original (2000) Critical Uncertainties

1. The direction society takes in the use of direct democracy;
2. The level of confidence society maintains in the legislature as a problem-solving institution; and
3. The position society takes in demanding government services.

2007-08 Update The subcommittee believes that the critical uncertainties identified in 2000 remain relevant.

2007-2008 Recommendation Revisit critical uncertainties about every 5 years. This requires adequate knowledge of futures study, work done so far, and developments in driving force areas.

Identifying Core Values

Purpose: A person, group, or institution's core values are characteristics that should be changeless, regardless of changing external circumstances.

Original (2000) Core values of the legislative institution

- Legislatures should be *ethical*.
- Legislatures should be committed to *representative democracy*.
- Legislatures should be *responsive and open* to the needs of people.
- Legislatures should be committed to *collegiality* among members.
- Legislatures should be committed to being an *independent, co-equal* branch of government.
- Legislatures should be committed to a *deliberative process* of making public policy. (p. 16)

2007-08 Update The subcommittee believes that the core values identified in 2000 remain adequate.

Axes of Uncertainty and Scenario Development

Purpose: Axes of uncertainty, which reflect the critical uncertainties identified from the driving forces, are used to develop hypothetical future scenarios. The scenarios become stories about the way the legislative environment may change, depending on which way the critical uncertainties actually develop.

Original (2000) The axes of uncertainty identified were:

- Increasing versus decreasing use of direct democracy.
- Increasing versus decreasing confidence in the legislative institution.
- Increasing versus decreasing societal demand for government services.

Although use of these three axes resulted in the potential development of eight different scenarios, the 2000 Task Force ultimately determined that use of the first two axes, and the resulting four scenarios, were sufficient. The scenarios developed, based on the potential increase or decrease in the use of direct democracy and confidence in the legislative institutions, were:

1. *The harassed legislature*, a strong legislature faced with a high level of demands and public scrutiny;
2. *The circumvented legislature*, a weak legislature faced with a public that is highly involved in direct democracy;

3. *The traditional legislature*, a strong legislature that the public relies on and trusts;
4. *The diminished legislature*, a weak legislature that lacks public confidence and is supplanted by other government entities.

2007-08 Update The subcommittee believes that the axes of uncertainty developed in 2000 remain accurate and adequate (see recommendation under Identifying Critical Uncertainties above). While there are questions about specific details in some scenarios, overall the subcommittee found them to still be valid.

2007-2008 Recommendation Scenarios should be revisited about every 5 years. Again, this requires adequate knowledge and expertise to accomplish. While it is difficult to attain this level of skill within the operational constraints of a subcommittee of LSCC, it provides an opportunity to utilize the interest and experience of those such as past staff chairs if given the proper time and resources.

Assess the Focal Issue and Vision within Context of Each Scenario

Questions to address regarding a given scenario include (p. 24-25):

- How plausible is it? What is the likelihood that this future will become reality?
- How desirable is it?
- What are the implications for change?
- What problems or challenges will it create?
- If the potential for problems or challenges exists, how might we prevent or overcome them?
- If the scenario is completely undesirable, what steps might we take to prevent it from ever becoming reality?

2007-2008 Update The subcommittee found plausibility in all scenarios, although there was issue taken with whether the public would ever actually maintain a long-term interest in governing via direct democracy other than addressing specific “hot” issues. Although the degree varied among the scenarios, all were found to have significant negative elements in regards to the legislature which deserve attention along with considering steps to encourage and reinforce positive trends.

Develop Action Plans Based on a Likely or Desirable Future

Purpose: For each scenario, identify the specific goals and challenges that must be met in order to make the desirable future a reality. (p. 26)

Original (2000)

In comparing the core legislative values to the future legislative scenarios, the 2000 task force drew the following conclusion:

“Properly prepared and responsive, legislatures have little to fear from change. Better civic education, combined with increased attention to accommodating the changing role of voters in a representative process, will pay long-term dividends. The necessity of dealing with greater direct public involvement in the policymaking process should only serve as a reminder that legislators are stewards of the will of the people. As such, they must find ways to stay in close touch with that will or risk losing their role in the process.”
(Legislatures of the Future: Implications of Change, p. 17)

To help legislatures remain relevant, the 2000 task force made recommendations in the following areas:

- Legislatures must help improve the quality of public participation in all forms of the democratic process;
- Legislatures must help improve the quality of policy debate on public issues, showcasing the advantages of the legislative arena where possible;
- Legislatures must continually reassess and refine their public policy role; and
- Legislatures must protect the balance of power.

Specific implications for action by legislatures can be summarized as follows:

1. Promote the core values of the legislature and the legislative process. Encourage strong, well-trained legislative leaders.
2. Promote high ethical values and standards of accountability.
3. Promote increased communication between partisan and nonpartisan staff.
4. Ensure the strength of legislative committees.

5. Educate the public about the legislature's role in a representative democracy.
6. Provide more efficient constituent service programs.
7. Stay in close contact with local government officials.
8. Improve direct communication with citizens.
9. Support civic education programs that promote a better understanding of the role and value of the deliberative process.
10. Improve the initiative process.
11. Dispel the notion that the legislature is an insider's game.
12. Encourage individual legislatures to conduct their own futures studies.

[Original list can be found in *Legislatures of the Future: Implications of Change*, pp. 20-21.]

2007-08 Update

The subcommittee observed that the 2000 report has not gotten much traction among legislators, to whom most of the implications and action steps were directed. Staff will likely remain the major impetus in this effort, but legislator involvement is critical to its long-term effectiveness.

2007-08 Recommendations

- The Legislative Effectiveness standing committee can be used to explore these issues with legislators, possibly by identifying one or two key issues with high impact and high feasibility to address initially. The committee can host a session each year on a "Wave of the Future" topic that is put in a real-life context for members.
- The Legislative Summit should also be utilized to keep a futures orientation in front of legislators, such as this year's scheduled presentation from Dr. James Johnson on demographics.
- Individual states should be encouraged to do their own futures research and planning.
- Education efforts directed at both youth and adults should receive high priority, particularly in informing the public of the values of representative democracy and the deliberative legislative process, despite and even because of the myriad examples of dysfunction.

Legislators and legislative staff both should seek innovative and effective ways to engage in these efforts.

- The Legislative Institution subcommittee of LSCC should give attention to specific implications for action by and on behalf of legislative staff. This includes not only identifying futures issues with impact on staff but also opportunities for involvement and engagement by staff in efforts to keep the legislature relevant.
- Individual staff sections should be encouraged to maintain a futures component in their professional development seminars.
- LSCC should use the continuing flow of information from futures research to direct both its own strategic planning efforts and those of NCSL itself.

Acknowledgements

NCSL Staff Chair Sharon Crouch Steidel had a vision for building on the work done by the 2000 futures task force and subsequent efforts to establish a culture of futures orientation within LSCC and NCSL. She enlisted a stellar lineup of legislative staff for the Legislative Institution subcommittee, gave them a clear charge, empowered them to carry it out, and allowed them to do their work.

The members of the subcommittee were:

Diane Boyer-Vine, California
Nelson Fox, Ohio
Judy Hall, Oregon
Millie MacFarland, Maine
Roger Norman, Arkansas
Tim Osterstock, Utah
Linda Pittsford, Texas
Carol Shaw, North Carolina
Dick Sweet, Wisconsin
Tom Wright, Alaska

The arena of futures study was new to everyone and presented a major challenge to grasp and engage. All of the members remained committed and enthusiastic, even while often daunted by the scope and complexity of their tasks. Their reports on horizon issues were well-researched, well-examined, and eye-opening. Meetings were always lively and full of invigorating discussion of thoughtful contributions from everyone. Significantly, all members who will be on LSCC next year expressed their desire to continue this effort, which will provide a tremendous jumpstart to the next steps.

Martha Carter (Nebraska) served as vice chair and very capably and calmly kept the subcommittee (and the chair) focused and on task. She worked with the chair outside of meetings to learn the process, explore ideas, review documents, and offer suggestions. The structure and content of this report are based on a working document that Martha developed and maintained for use by the subcommittee throughout the process. Her contributions have been invaluable.

Larry Morandi and Brian Weberg were NCSL staff for the subcommittee, bringing experience, knowledge, and insight to the group without interfering in any way with deliberations. Both were always willing to help in any way and were much appreciated.

Max Arinder chaired the original LSCC Task Force on Legislatures of the Future 1998-2000. He met with the subcommittee at its fall meeting,

explaining the process of futures study and the work done by the task force. He also consulted frequently with the chair and vice chair, answering questions, clarifying processes, and offering wisdom. Max's comments and contributions were always toward enabling the subcommittee to pursue its task while never seeking any personal recognition. Although he would not acknowledge it, the work of the subcommittee would have been greatly diminished without Max's guidance.

Gary VanLandingham, NCSL Staff Vice Chair, has demonstrated his commitment to this task, staying abreast of developments and seeking recommendations on continuing to move this effort forward. This is an absolute necessity to realizing the full potential of futures orientation within LSCC and NCSL.

Finally, acknowledgement is due to all the legislative staff over the years who have been committed to the legislative institution and to its role in the American democracy. While the viewpoint of this effort is toward encouraging a desirable future, that future is built upon the past and the foundations laid by those who have preceded us.