What Legislatures Need Now

The prescription for change offered 40 years ago in "The Sometime Governments" has run its course, but legislatures still face plenty of institutional challenges.

BY KARL KURTZ AND BRIAN WEBERG

The challenges of today's legislatures are complex. They involve questions of integrity, will, commitment and trust, and the solutions are not at all clear. The realities of today's government and politics require a new approach to strengthen legislatures. What's needed is a process that clarifies the current problems, what changes are needed and how to put those remedies into place.

In the 1970s, the Citizens Conference on State Legislatures launched a remarkable movement to strengthen our nation's legislatures by publishing "The Sometime Governments: An Evaluation of the 50 American Legislatures."

The book included sweeping recommendations for change. The guidelines were designed to give legislatures more resources of time, compensation, staff and facilities. Forty years later, that agenda for reform has been largely accomplished or is no longer as relevant.

In large measure, "The Sometime Governments" succeeded in igniting two decades of effort by legislatures in every state to build capacity—the amount of session time, the number of members, committee organization, facilities and staffing..

It provided state-specific marching orders and a battle plan to reform-minded political troops ready and able to carry out its agenda. At the time of its publication, American politics were in transition. The one-person, one-vote court decisions of the 1960s and subsequent redistricting after the 1970 census opened state legislatures to a surge of new

Karl Kurtz runs NCSL's Trust for Representative Democracy. Brian Weberg directs NCSL's Legislative Management program.

NCSL *State Legislatures* magazine, July/August 1999: The Good Legislature

Beyond the intuition that says "I know one when I see one," how do you go about measuring the effectiveness of any given legislature?

By Alan Rosenthal

What do we want our state legislatures of the 21st century to be? Of course we want them to be effective, to be good. But we also know that state legislatures will be heavily influenced by forces over which they have little control-technology in particular. The challenge is to remain true to the fundamental purposes of representative democracy and the legislative system.

So what is an effective, a good legislature in a time of dramatic change?

It's a question, for the most part, that has gone unanswered, and even unattended. And the answer as to what a good legislature is must come from legislators, legislative staff and concerned citizens.

For legislatures to be good, they must carry out the functions we expect of them in our system of representative democracy. The principal ones are balancing power, representing constituencies and making laws. In considering whether legislatures are doing their job (and hence are good), we have to examine how well they are performing these three functions.

In This Article

Other Resources

Legislatures and Elections

Balancing Power

Constitutionally, legislatures are separate, co-equal branches (indeed, the legislature is the first branch of government and the executive the second) that share governmental power. So it follows that legislatures must balance the power of governors and the executive branch. A good legislature, accordingly, has to be relatively independent of the governor. It must insist on participating in the initiation of policy and refuse to rubber-stamp executive proposals.

Independence was a watchword of the legislative reform movement of the 1960s and '70s. At that time it appeared that legislatures, except in about a dozen states, were dominated by governors. The development of legislative capacity and the legislative institution nourished a growing sense of legislative independence.

Legislative power may be requisite, but that does not mean that the greater the power imbalance in favor of the legislature, the better that legislature is. More power for the legislature is not necessarily better once an appropriate balance is achieved. In other words, an imbalance in favor of the legislature is no better than an imbalance in favor of the governor. The legislature must truly be a co-equal branch of government.

Although we can measure the constitutional powers of governors and legislatures, their real power hinges as much on political factors and traditions as on constitutional and statutory ones. If we examine who initiates and enacts legislation and budgets, we should see in a general way how well the legislature is fulfilling its power balancing function.

Representing Constituencies

One of the major roles of a legislature is representation-representing various constituencies, mainly people in each lawmaker's electoral district, but also organized groups and individuals elsewhere in the state. The question is, how well does the legislature perform its representational tasks?

First, the constitutional system and the legislature ought to provide for substantial political equality, that is, "one person, one vote." This standard, enforced by state and federal courts, is generally met, although the political gerrymandering that accompanies redistricting is often used to benefit one party and incumbents in their re-election efforts.

Second, a variety of groups who previously lacked membership should be present in the ranks of legislators today. Women, African Americans and Hispanics most notably need opportunities to serve as well as to be represented. The problem with such descriptive representation, as it is called, is that it can be applied to all types of groups (and not just those specified above). It is not easy to know just where to draw the line; nor is it easy to know just how close the percentages of minorities in the legislature should come to the percentages of minorities in the state.

Third, as part of its representational function, the legislature must provide service to constituencies and constituents. Constituent service is normally the job of individual members who appreciate the importance of doing a good job in this area if they hope to be re-elected. Service includes responding to constituents' requests for information, help and case