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Professionalization and Effectiveness in State Legislatures

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Executive Summary

Recent studies in professionalism have examined certain aspects of state legislatures and how they compare to Congress in an attempt to find the differences in performance. These factors include legislator salary, per diem pay, session length, and session frequency. Previous research considers these factors and rates states on a scale from low professionalization to high professionalization. The benchmark is the United Stated Congress.

Our group of capstone scholars looked at expanding upon this research for two reasons: (1) move away from using Congress as the benchmark of professionalization, and (2) add new indicators which may also factor into level professionalization. Congress has responsibilities which differ greatly from a state legislature and so we choose to conduct an inter-state comparison rather than using Congress as the benchmark of a professional legislature. This enabled our study to only focus on state legislatures.

For the analysis, we consider all of Squire's previously researched indicators, paired with our new set of indicators, and their impact on legislative effectiveness. We narrowed our research to 11 states which represent the diversity of state legislatures found within this country.

Finally, this exploratory research indicated that professionalism is not statistically significant when measuring a state legislatures' effectiveness. Within three versions we ran 21 models utilizing the bivariate regression model, with the understanding that is not as far reaching as a multivariate regression, but was best with such a small sample size. The three versions weighted aspects of professionalism in different ways – however out of the 21 models, 20 did not produce any significant results. However, there were relations that moved in the direction we would expect. For example, as professionalism increased the number of bills filed increased as well. There were certain indicators that moved in the opposite direction than would be expected, for example, as professionalism increased the number of bills passed decreased.

There were limitations to this research such as the time allotted to collect data, the difficulty of quantifying certain variables, and roadblocks in finding up to date information consistent for each legislature. This analysis can be seen as a pilot study to future research that further expand the new indicators utilized while also considering indicators not looked at in this study. However, our research does have implications for Texas and other states, most importantly there is no one best way to run a legislature because the purpose is to serve ones constituents most effectively and this will vary across state lines.

Introduction

Currently, in the United States, there is no consistent blueprint for how states run their respective legislative branches. The traditional understanding of government of there being a House of Representatives and a Senate, holds in 49 of 50 states. Nebraska is the exception having a unicameral legislature. Each state legislature is unique and has its own ways of accomplishing state business. These differences are studied and analyzed by using "indicators" such as state legislative size, legislative pay, number of committees, session length, and frequency of sessions.

The measure of the differences is studied as the aggregate level of professionalization in state legislatures. It is necessary to stress that the presence of professionalization, or lack thereof, will not automatically lead to a positive or negative result. To stress this point we present two arguments:

1) **A citizen legislature***:* Meets for a short period of time and legislators have other jobs outside of their state duties. Therefore, they can serve the constituents well because they must return to live under the laws he or she implements.

2) **A professional legislature**: Meets for most of the year and pays the legislators as full-time employees. They can serve the constituents well because of their extended time in office and ability to devote more time to each issue.

The purpose of our research is not to recommend a best practice for state legislatures, but rather provide and contribute to an understanding of how these various factors affect the body's effectiveness. This is important because state legislatures are in place to serve their constituents; however they must operate under certain time, money, and skill constraints. Professionalism factors into many of these constraints. Therefore, if we can better understand how these indicators impact professionalism, we can gain knowledge of how altering them changes a legislature's effectiveness.

In this paper, we will discuss the early development of state legislatures to demonstrate how these indicators arose out of necessity, and how their variation is not by necessarily by conscience means, but rather a needs-based implementation. Early research in professionalization focused on a state's legislative pay, session length, and frequency of sessions. We will build on these indicators to expand the categories when studying professionalization and look at how these variables impact effectiveness.

The Early Development of Legislatures

To study the professionalization today, it is first necessary to consider the earliest forms of state legislatures and where some of the unique aspects originated. In many cases, these early legislatures professionalized out of necessity; common needs arose which were recognized and addressed. There are four early sources from which state legislatures developed: Colonial Assemblies, Territorial Legislatures, National Congress (Texas), and a Constitutional Monarchy (Hawaii). This section will survey all four but primarily focus on colonial assemblies, as they were the first and their consideration is most crucial.

The colonial assemblies in pre-revolutionary America developed into 13 state governments after independence. Colonial assemblies provide a look at the following: Representative Government, Bicameralism, Session Length, Committees, Seniority, Leadership, Rules, Staff/Facility, and the Professional Politician. What all of these aspects have in common is they are not arbitrary--all arose and developed from some inherent need in these legislative bodies. Understanding these aspects of colonial governments and how they developed will help better understand how legislatures developed to the levels of professionalization they are at today.

Representative Government

Colonial Assemblies were the earliest form of state legislatures, the first being the House of Burgesses established in Virginia in 1619 (Hatch, 1956). These early legislative bodies served as an extension of the English government, and their original establishment and intent was to have all freemen participate. However, with expansions in geographical size and population in colonies, this became impractical, and instead these bodies shifted to a representative government (Squire, 2005). Rather than full participation, each town or village would elect a few of its members to travel to the colonial assembly and represent the town's interests. In Virginia, many of the first Burgesses were already "quite prominent in colonial affairs" (Hatch, 1956). These colonial assemblies contrast from the other branches of government at this time in America because they were the only governing body elected by the people of the colony, and thus are the first form of representative government.

Bicameralism

It was far more efficient for these assemblies to handle local issues than having the English government directly involved (Squire, 2005). These assemblies were charged with making local laws and ordinances, approving budgets, and serving as a check on the power of the governor. Assemblies were not fully independent of the English government and any actions taken had to be consistent with English law (Squire, 2005). To ensure consistency, some assemblies split into two separate bodies, giving rise to

bicameralism. In most cases, the lower house of the assembly was elected by the people, while the upper house was appointed by the monarchy. For a law to pass, it had to be approved by both chambers. Therefore, when a law passed, it would have the approval of both the colony by way of the lower house and the monarchy by way of the upper house (Squire, 2005).

Session Length

Colonial assemblies met yearly, and session lengths and times varied. Typically, assemblies met once per year, with the Governor having the ability to call for a special session (Squire, 2005). The first Virginia House of Burgesses met for five days in July in 1619; members had intended to meet for longer, but had to adjourn the session due to sickness brought about by the heat (Hatch, 1956). Over time, this evolved to longer sessions and by the latter part of the 18th century some assemblies had six to eight month sessions. Perhaps the most demanding assembly was "The South Carolina Commons House…[where it was] customary for it to meet for up to eight months a year, and when in session it met six days a week for six hours each day" (Squire, 2005). Each assembly set its own session schedule based on feasibility and necessity.

Committees, Seniority, and Leadership

The idea of committee, seniority, and leadership arose during the colonial assembly period (Squire, 2005). As these colonial assemblies began to handle more complex issues, the first ad hoc committees were established to provide a specialization in work. As issues continued to arise, standing committees developed and became permanent fixations. Seniority also arose during this period and veteran members would head the more important committees. As the years went on, assembly members, on average, served longer and held more positions before ascending to the highest post in the body (Squire, 2005).

Rules

The colonial assemblies are responsible for setting the precedent for the early rules and procedures of these governing bodies. As a means to maintain order, the Virginia House of Burgesses' first speaker, John Pory, who had previous experience serving in the British Parliament before he arrived in Virginia, adopted "parliamentary procedure" (Hatch, 1956). Bodies also began to pick apart the rules and by the mid-1750s we start seeing procedures and means to block legislation. Essentially, during the Colonial Assembly period we see the transition from rules as a necessity to maintain order to a weapon used by some of the body's most clever politicians. Legislative procedures in Virginia evolved to the point that by 1750 "at least four different devices existed by which a burgess could strategically delay

consideration of a measure: a motion to adjourn during a debate, moving that the orders of the day be read, moving the previous question, and offering amendments" (Squire, 2005). While some assemblies only allowed members to speak once during a debate, Delaware members were allowed to speak three times (Squire, 2005). To combat the issue of limitless debate, Pennsylvania ruled "If four members stood and requested that a speaker conclude his speech, he had to do so" (Squire, 2005). In conclusion, parliamentary procedure, rulemaking, the early filibuster, and other rules-related maneuvers came from this early governing period.

Staff/Facilities

During the Colonial Assembly period support staff for the politicians was established. This facet rose out of necessity: as the rules and role of the assembly became more complex, clerks were hired for record keeping. As Squire states, "The assemblies were sufficiently staffed so that clerks could notify the public about the legislative schedule in advance and keep detailed minutes of assembly business." These clerks then hired assistants and the assemblies had staff to go along with their roster of legislators. The first Virginia House of Burgesses met in a church simply because it was the most convenient place they could find to house their meetings (Hatch, 1956). Colonial assemblies met in a variety of churches and taverns before establishing their own dedicated buildings.

The Professional Politician

The rise of the professional politician also occurred during the colonial era. As time progressed, overall turnover in the colonial assemblies decreased and we see some veteran legislators who also moved up and assumed roles in leadership. Those who served were either prominent community members. As Squire notes, "the rise of a cohort of professional politicians in most of the colonies, men who pushed their assemblies to assume greater power in their colonial governments, and who "defined their [legislative] procedures more clearly." Overall, the development of assemblies is conducive to the professional politician, and with stability of bodies increasing, the identity of the individual legislator moves from a community member to a professional politician.

In conclusion, much of what is examined in state legislatures today can be traced back to the development of colonial assemblies in the 13 colonies. These bodies were the earliest form of representative government in America, and post-revolution were transformed into state legislatures. In addition to these bodies, there are three prominent other sources from which state legislatures came: Territorial Legislatures, a former National Congress, and a former Constitutional Monarchy.

As the United States expanded westward, many of state governments developed from territorial legislatures, which were the first forms of government in a newly settled territory. These legislative bodies sought to create order, with the intention of attracting more settlers and eventually petitioning to become a state, a precedent which was set by the Ordinance of 1787 (Farrand, 1896). However, territorial legislatures greatly expanded with the settling of newly acquired lands from the Louisiana Purchase in 1803.

Per diem pay was extremely important for these bodies, as travel was expensive and significantly more difficult than in other established states. These raucous bodies were often drowned in whiskey and shenanigans. Due to the dangers of everyday life in the territories, some legislators died on their way to session. When they got there, session was full of pranks, fights, violence, prostitutes, and egregious amounts of liquor (Squire, 2005). However, amidst all the chaos, order was formed and laws were established in land which was previously lawless.

At the discretion of Congress, territories could establish a legislature when they met certain population requirements and then could apply for statehood when other benchmarks were met (Farrand, 1896). Typically, admittance was considered when a territory had a population large enough to accommodate one full congressional district (Farrand, 1896). However, admittance was not guaranteed.

Salaries, per diem, and session length varied based on territory and were decided upon on a case-by-case basis, and explain much of the variation in these aspects that we examine today. Farrand details this in his timeline, demonstrating the variance found as well as the unique precedents set within each territory. Overall, the lasting legacy of territorial legislatures was creating the loose blueprint for establishing a state and accommodating the rapid expansion in both size and population of the United States in the late 18th-early 20th century.

Before Texas was a state, it was a Republic, the result of Texas declaring its independence and winning a war in 1836 against Mexico (Steen, 2010). As such, it created its own Congress, modeled after the United States Congress. To serve, one had to "be twenty-five or older, a citizen of the republic, and a resident of his district for six months" (Steen, 2010). There were measures put in place to allow the size of the Congress to increase as the population of the Texas increased. The body was paid at a fixed rate and salaries for members could only be raised for following sessions, never in the current session.

According to its constitution, the Congress of the Republic of Texas was charged with certain powers (Gammel, 1898):

1. "Levy and collect taxes and imposts, excise and tonage duties; to borrow money on the faith, credit, and property of the Government, to pay the debts and to provide for the common defence and general welfare of the Republic.

2. Regulate commerce, to coin money, to regulate the value thereof and of foreign coin, to fix the standard of weights and measures, but nothing but gold and silver shall be made a lawful tender.

3. Establish post offices and post roads, to grant charters of incorporation, patents and copyrights, and secure to the authors and inventors the exclusive use thereof for a limited time.

4. Declare war, grant letters of marque and reprisal, and to regulate captures.

5. Provide and maintain an army and navy, and to make all laws and regulations necessary for their Government.

6. Call out the militia to execute the law, to suppress insurrections, and repel invasion.

7. Make all laws which shall be deemed necessary and proper to carry into effect the foregoing express grants of power, and all other powers vested in the Government of the Republic, or in any officer or department thereof."

After Texas was annexed into the United States, the Texas Congress was transformed into the Texas state legislature. This is important because Texas is the only one to come from a National Congress, and thus has had more power than any other state legislature. Furthermore, Texas today still has a considerable amount of power as a result from its leveraging in negotiations for statehood.

Hawaii is unique in that it has experienced a variety of governments. The Hawaiian state government was preceded by the Hawaiian kingdom, a constitutional monarchy, and later the Territory of Hawaii after the monarchy was overthrown in 1893. The Hawaiian kingdom established the Legislature of the Kingdom of Hawaii as a result of the 1840 Constitution. Similar to colonial assemblies, Hawaii was bicameral: there was a lower house, elected by the people, and an upper house of nobles, which served at the pleasure of the monarch and were unpaid. All revenue oriented bills originated in Hawaii's lower house.

However, in 1864, King Kamehameha V was frustrated with the fact that the legislature had so much power and decided to call a constitutional convention (Potter and Kasdon, 1964). As a result of the new constitution, these two houses were consolidated into one unicameral legislature. Perhaps the most controversial aspect of this new government was a certain requirement that to serve in the legislative body one must pass a literacy exam. These requirements were repealed and the legislature was later split back into two houses with the annexation of Hawaii. In the end, after the monarchy dissolved, this legislative body transformed into the Hawaiian territorial legislature, and finally became the Hawaiian state government in 1959.

Current Professionalization Observed

The initial review of the states looked at 14 different factors that affect professionalization. Each factor was weighted for importance through the Delphi Method. As a result, each state is quantified for their level of professionalization. As seen in Figure 1, California, Pennsylvania, and Illinois are rated as the most professionalized states. Overall, this ranking is largely due to these states high rate of pay. In contrast, the most citizen legislatures are New Hampshire and Utah – both of which have low rates of pay.

Under this model however, the rate of pay heavily outweighs the other factors as salary and per-diem amounts range greatly from state to state. This range can be seen in the $0 salary in Utah to the over $95,000 salary in California. In contrast, other indicators of professionalization do not vary greatly. For example, state-provided research and drafting, the number of committees, and the strictness of ethics laws are fairly similar across states. Overall, the professionalization scores given here rate each state in a consistent manner. Through its consistency, the scores provide a potential snapshot of each state's ability to perform the legislative process.

Figure 1: Three versions of professionalization scores

Ver. I		Ver. II		Ver. III	
All Indicators		W/O Pay		Turnover and Poli.	
CA	163.0726	PA	73.5565	PA	99.786
PA	157.1725	IL	67.2302	IL	93.718
IL	136.1762	CA	66.363	TX	83.358
HI	109.0086	TX	56.5483	CA	82.644
AK	99.5986	NH	50.2838	UT	78.018
FL	80.3099	HI	49.4066	FL	73.724
AZ	72.525	FL	49.3229	VA	72.878
VA	65.7062	UT	48.0842	AK	70.372
TX	65.6483	AZ	47.925	HI	69.91
UT	50.7842	AK	46.8586	AZ	66.644
NH	50.3838	VA	44.7562	NH	66.038

Analysis Model/ Method

Three different dependent variables were used in the regression analyses. These dependent variables were the three different ways that we calculated professionalization. The first version of professionalization accounted for every indicator used, the second version removed pay from the calculation, and the third version heavily weighted the indicators that calculated member turnover and political opposition. In order to create the scores, the data collected for the various indicators were quantified and weighted based on their level of importance. For example, when calculating the effect of salary into professionalization, the annual salary was multiplied by .001. The number derived from this calculation was then added together with the other quantified indicators. The weights for the various indicators were decided through the Delphi Method. In it, the individual members of the research team reviewed the indicators against the literature and ultimately decided upon the scores.

Reviewing the indicators resulted in the creation of two additional variations of the professionalization score. First, the process of creating the professionalization scores revealed a few statistical outliers. Most prominently, this can be seen with the wide variation in state legislative salary and per diem pay. Due to the range, the scores could not be consistently tabulated with a fair weight. As such, Version II of the professionalization scores was created and removed salary and per diem pay as a factor. Second, a non-traditional route was decided upon to evaluate professionalization. Version III of the professionalization scores heavily weighted the indicators that measured the percentage of open seats, incumbent facing primary opposition, and incumbents facing majority party opposition.

In the three different formulations of professionalization, the various weights and indicators included three different scales of how professionalization is considered. The higher the score, the more professionalized a legislature can be considered. The outputs from the professionalization calculations can be seen above in Figure 1.

Indicators Used

As discussed earlier, Squire used specified main areas of focus when comparing state legislatures to the U.S. Congress. Squire's work has been consistently cited when people choose to study professionalization and how state legislatures are performing. The indicators chosen for this project were selected with the thought that this will join other research that seeks to build on the foundation set by

Squire when it concerns the study of state legislatures. What follows are brief discussions of the indicators being analyzed and their importance for the project.

Figure 2: List of Professionalization Indicators

Session Frequency (Annual v. Biennial)	Full-Time or Part-Time
Session Length (# of days, no special)	Individual Legislator Pay (Yearly)
Legislator Per Diem Pay	% of Open Seats
% of Incumbents Facing a Primary	% of Incumbents Facing Majority Party Opposition
# of Standing House Committees	# of Standing Senate Committees
State-Provided Fiscal Research	State-Provided Bill Drafting
State Provided Issue Research	Strictness of Ethics Laws
Term Limits	~~Ideological Spectrum of Legislature~~
Orientation Resources for New Members	

Session Frequency (Annual or Biennial)

It could be said that effectiveness in state government comes through the hard work of individuals over a specified period of time. It seems rational to believe the allowance of more time for groups of people conducting business would permit them the opportunity to formulate better results. However, state legislatures are not uniform in how frequent they meet as bodies, the length of time they will spend in given sessions, or even the makeup of their institutions in terms of what makes an institution more of a full time or part time arena. The three indicators discussed below attest to how different legislatures are in regard to the running of operations.

The indicator of session frequency is similar to Squire's analysis of looking at the days a legislature is in session. This project proceeds with Squire's practice of utilizing session length (a separate indicator), while also accounting for whether a legislative body is meeting on an annual or biennial basis. The answer to how often a body meets can have important implications on its perceived effectiveness and how members approach legislative priorities.

In regard to Texas, the continued trend has been to proceed with both biennial sessions and budgets. Texas joins only three other states in this endeavor. Montana, Nevada, and North Dakota are the only other states with both of instances and biennial sessions and budgets (NCSL, Annual vs Biennial). Apart from regular sessions, there are a variety of rules governing when special sessions may be called (not accounted for in our analysis). According to the National Conference of State Legislatures (NCSL), a majority of the states allow either the executive or legislative branches of government to call for these

sessions, while 16 states, including Texas, can only have these gatherings called by the state's governor (NCSL, Special Sessions).

Critics of this practice may point out how it can be difficult to enact or recognize important budgetary measures. Such a sentiment was expressed in a Dallas Morning News editorial published around the time that the 83rd session started. The piece addressed the issue of biennial budgets and discussed possible ways to address what are seen as hardships arising from meeting at a minimal rate. The paper suggested an "off-year session" would be minimal and stated this about the effect: "It wouldn't quell every fight, but it would allow the full body of lawmakers to act with the best available information" (The Dallas Morning News, Editorial).

A proponent of biennial sessions may point out the mechanism establishes an environment where legislative bodies become more accountable to the public. A piece written by two authors on behalf of the Goldwater Institute focused on the state of Arizona and how it fared in terms of what they described as the legislative careerism variable from the work of Squire (Ruger and Sorens, 2011). The results of their study, which included using dependent variables related to economics and freedom, suggested what they defined as freedom would suffer due to careerism (Ruger and Sorens, 2011). They compared what was found in regard to legislative careerism to the rankings found on the Ruger-Sorens Index (RSI), which "covers more than 100 policies" (Ruger and Sorens, 2011). California, who ranked the highest in legislative careerism, was ranked #44 in terms of fiscal freedom (Ruger and Sorens, 2011). On the other hand, New Hampshire ranked last in legislative careerism but held the top spot on the RSI list for fiscal freedom (Ruger and Sorens, 2011). It then comes back to the concern of having annual sessions and what it means for conducting regular business. The authors stated at one juncture, "Tightening the rules for extending sessions or calling special sessions would prove beneficial as an additional limitation or as intermediate move in the right direction—especially given the tendency of sessions to run longer than the chamber's own specified rules" (Ruger and Sorens, 2011).

Session Length

Squire, when discussing the length of a session, stated, "…longer sessions give members a better chance to master arcane rules and procedures" (Squire, 2005). This would seem to be a good reason for state legislatures to keep their doors open for business as much as possible. In reality, this has not been the case. According to NCSL, "Currently, only 11 states do not place a limit on the length of regular session. In the remaining 39 [states], the limits are set by constitution, statute, chamber rule or indirect method" (NCSL, Session Length). Therefore, lawmakers in two different states will likely utilize their legislative calendar differently, and it will impact how they approach their workload. For instance, a state legislator in New Hampshire this year will have a session running from early January through early July,

while one in Maryland would only meet from mid-January through mid-April (NCSL, 2015 Session Calendar). Those two lawmakers are bound to approach their duties differently, and the bodies as a whole act accordingly to the time provided.

There have been past studies examining how the length of a session may impact state business. One possible consequence is a governor being able to have an advantage over his colleagues in the legislature. A study, released in 2009, researched these types of interactions between governors and state legislatures. Using data concerning budgetary proposals and enactments, taken from the Fiscal Survey of States, the authors found "striking evidence of gubernatorial strength in budgetary negotiations" (Kousser and Phillips, 2009). An example of what longer sessions might mean for a state legislature were outlined:

"If one of these legislatures meets for 66 days over a two year period (a typical session for North Dakota's legislature), then every extra percentage-point increase in spending proposed by the governor translates into a 0.78% increase in the enacted budget. If a house is similar in all other respects but meets for 263 days per biennium, as Wisconsin did for 1997 and 1998, then a change of 1% in the governor's proposal yields only an estimated 0.59% change in the budget that the legislature finally enacts" (Kousser and Phillips, 2009).

Full-Time or Part-Time Legislature

Analyzing this data is important because it is a representation of a body's meeting habits during a year. NCSL has classifications of state legislatures based on the same type of analysis from Squire's index. California and New York were considered more professionalized compared to North Dakota and South Dakota (NCSL, Full and Part-Time Legislatures).

Individual Legislator Pay (Yearly) and Legislative Per Diem Pay

Squire used legislative pay as one of his measures to examine levels of professionalization. This project proceeds with the idea that legislative pay is an important feature of a professionalized legislative body. For this two indicators of pay are used: yearly salary and per diem pay.

Looking at the nation as a whole, one would realize that the average state lawmaker is likely not going to be paid handsomely for their service. A 2013 piece published in The Washington Times partly stated this about state legislative salaries:

"Want to get rich? Then serving in your state legislature probably isn't the way to go. The vast majority of the 7,383 legislators around the country are paid well below a living wage…" (Wilson, 2013).

According to NCSL, the yearly and per diem pay for state legislators varies greatly. According to numbers from 2014, a lawmaker in Illinois would receive a base salary of $67,836 per year and a per diem rate, per each day of session, of $111. On the other hand, a state lawmaker in Idaho is going to

receive $16,438 as a base salary and a per diem rate ranging from $25 to $122 (NCSL, 2014 State Legislator Compensation). Past studies have shown that pay has not risen in regard to the inflation rate. The issue of compensation can be highly contentious and political. It is an important indicator to use in regard to the professional nature of a legislature, because it provides insight on how lawmakers are able to commit to their office and complete their duties as elected officials.

Number of Standing House and Senate Committees

Standing committees are an important aspect of any legislative body because they create consistent structures by which public policy issues can be formally addressed. These arenas can be recognized as consistent structures, where lawmakers can gain expertise on specific policy topics and have a say on which legislation proceeds in the process or fails to make progress. Those holding the highest positions in a state House or Senate chamber are typically the individuals choosing who will head these committees (NCSL, Selection of Committee Chairs). There is a rather sizable amount of research available that discusses how committees are chosen, what interests are being represented, and the type of work being accomplished.

Strictness of Ethics Laws

States have laws and statutes that serve as a guidepost by which lawmakers may guide activities related to their jobs. Many of the questions a constituent might have regarding the ethical behavior of state officials can be found on an ethics website provided by the state. The vast majority of states have an ethics commission that keeps an account of various activities (NCSL, Ethics: State Ethics Commissions).

The fact of the matter is that analyzing the strictness of each state's ethics laws is an extensive task and remains complicated. Fortunately, there are organizations that have made it their mission to hold public institutions accountable through the grading of laws and procedures. The information used for this project came from the State Integrity Investigation was used as a measure in discovering state ethical realities. As the investigation's website states:

"…it measures the strength of laws and practices that encourage openness and deter corruption. The investigation consulted 100 government integrity experts to determine what to measure, then created its State Integrity Index with 330 'corruption risk indicators" (State Integrity Investigation).

Term Limits

The installation of term limits in states has long been an intense topic at both the state and national level. This is an important area of interest because it could be said that those with more time in

an institution are more likely to understand their roles and how they can maneuver through the system. Only 15 states have instituted term limits for state lawmakers (NCSL, Term-Limited States).

State Legislative Elections: Open Seats and Incumbents: Percentage of Open Seats, Incumbents Facing a Primary, and Incumbents Facing Majority Party Opposition

There may be many reasons by which those running for office are able to secure their seats and continue to serve constituents. Past studies have spoken on the issue of incumbency in state elections and have shown there are multiple factors that may be at play. We created these three percentage indicators of professionalism to illustrate the effect that turnover in election cycles may have on the professionalization of a legislative body. We include the percentage of incumbents facing primary to see how competitive an incumbent's re-election bid is within his or her own party. In a similar vein, we include percent of incumbents facing majority party opposition to see how safe an incumbent is when running against a candidate from another party.

Ideological Spectrum

The ideological spectrum of a legislature refers to a body's political makeup. It was an intriguing indicator to see how partisan differences might impact professionalism and effectiveness. However, this indicator was not utilized because we did not want to base our results on partisanship. A judgment call would have been necessary and it did not seem appropriate for the purposes of this paper.

Orientation Resources for New Members, State-Provided Fiscal Research and State-Provided Issue Research

Orientation resources provided for new members are intended to assist those who were chosen to serve as state lawmakers. Newly elected state legislators are like new employees going into a job with which they may lack familiarity. NCSL found that, "…14 legislative bodies feel the orientation program is so valuable that they require new members to attend" (NCSL, Training). For the purpose of this paper, state-provided fiscal research would be seen as delivering work that assists members with their daily tasks. An example of this would be the Texas Legislative Council's assistance in analysis and research. State-provided bill drafting services can be recognized as a mechanism by which legislators may send in requests for legislation dealing with a subject of their choosing. This type of service is also provided by the Texas Legislative Council to state legislators seeking assistance (TLC, Guide).

Four indicators are used to define effectiveness in our analysis including: bills, resolutions, filibuster rules, and diversity. These indicators serve as proxies for describing a legislature that is most

effectively serving its constituents. These indicators are limited in applicability and scope because of time and resource constraints. However, these substitutes still illustrate aspects of a legislature's effectiveness which include one that passes good bills, stops bad bills, and mirrors the population represented.

Bills

For the bills indicator we utilized bills filed, bills passed, and a ratio between these two. In discussing which indicators to use for effectiveness this was one to which much discussion was given. Our group did not feel entirely comfortable utilizing this as an indicator because we do not think that just looking at the number of bills a legislature did or did not file or pass necessarily tells anything about its effectiveness, especially as *not* passing legislation could also be considered a measure of effectiveness. However, we ultimately chose to include it as an indicator because it is often cited as a measure of effectiveness (Frantzich, 1979; Jackman et al, 2014).

Resolutions

For the resolutions indicator we used resolutions filed and resolutions passed. This indicator delves more deeply into legislation passed to separate substantive from non-substantive measures. Our capstone's experience in the 84th legislative session was the source for this indicator. We saw how much time was allotted at the beginning of each day in the Senate and House chambers to resolutions and memorials. We wanted to see what kind of effect professionalism had on these kinds of non-substantive measures which are important for constituent relations and re-election purposes.

Filibuster Rules

We wanted to find some indicator that could represent a legislator's work at preventing bills from moving through the legislative process, and so to serve as a proxy variable we chose to utilize filibuster rules. Filibustering is not explicitly mentioned in the rules governing any of the chambers we studied in this analysis; however, there are rules governing who may speak on a bill and the time allotted. These served as the data utilized to determine stringency of filibuster rules for our coding purposes. The occurrence of filibustering was also very difficult data to uncover, and so we chose to focus on the strictness of these rules and weight them in two different ways in our regression for determining the role it might play in effectiveness.

Diversity

To understand diversity in the state legislatures we wanted to look at the gender, ethnic, and racial make-up of the 11 state legislatures. However, we ran into data gathering challenges. We were unable to

find up-to-date data on the race and ethnicity of the state legislatures. Because of this roadblock, we chose instead to just focus on gender diversity in a legislature. We did this by measuring the percentage of female legislators for each of the 11 states which we analyzed. Our idea for this indicator comes from the theory of descriptive representation, which posits that elected officials that look like their constituents do a better job of representing them (Haider-Markel, 2014). Assuming that roughly half the population of a state will be composed of women, we would hope to see a similar percentage breakdown for women who serve in state legislatures and wonder if the level of professionalism in a state legislature might have an impact on this indicator of effectiveness.

States Used   .

Figure 3: Map of States Used

In selecting states for analyzing the professionalism of their legislatures, it was important to provide a diversity of states across multiple platforms to form a reflective subset of the United States. To accurately assess Texas and provide a viable comparative analysis to other states, a spectrum should be created. States were chosen for analysis based upon the following criteria: geographic region, state size by population, state size by area, political party makeup and power, and length of legislative session. The following states were selected to provide a comparison to Texas: Alaska, Arizona, California, Florida, Hawaii, Illinois, New Hampshire, Pennsylvania, Utah, and Virginia.

Geographic Region

Geographic region was identified as a key factor for two reasons. First, because of a state's geographic location, the legislative process might be uniquely influenced by the culture of its region – East, South, Midwest, or West. Additionally, each state has a unique history, largely because of its location within the United States.

Population Size

It was important to select states exhibiting diversity in population size. A proper representation of the United States should include states that fall in places across the population spectrum. California, Texas, and Florida are the three most populous states in the country, each with more than 19 million inhabitants. On the other hand, Alaska, New Hampshire, and Hawaii have less than 1.5 million people. The other seven states create a range between these two groups.

Area size

As Texas is a large state, it was important to consider the affect that a state's size by area could have on its professionalism. Smaller states, according to their land area, could afford legislators more opportunities to associate in their district. On the contrary, more expansive states might require legislators to spend more time in the capital city, likely away from their districts during the legislative session.

Political Party Makeup

According to NCSL, there are 20 blue and 25 red state legislatures. Four of the remaining states are split in their political party power, one party having control of either chamber. Based on this national breakdown of the states we tried to select a balance of Republican, Democrat, and mixed control state legislatures.

Legislative Session Length

The remaining criterion used for selecting states was the length the state's legislative session. While this factor is also included for measurement within the analysis of professionalism, it was important to recognize the length of a state's legislative session in the state selection process. To obtain the desired diversity of session length, states were considered for the variety they provided to the selection. In conducting an analysis representative of the United States, it was important to provide examples of multiple varieties of legislative session length.

Discussion of Findings

Methodology

In order to gauge the relationship between professionalization and effectiveness, 21 bivariate regressions were performed in Stata.

$$Y_i = b_0 + b_1 X_i + e_i$$
$$\text{Effectiveness}_i = \beta_0 + \beta_1 \text{ Professionalization}_i + e_i$$

The use of a bivariate regression was for two reasons: First, a regression was decided upon for its ability to calculate, with great precisions, the relationship between an independent and dependent variable. While a regression in Stata is capable the magnitude of a relationship, similar to conducting a ratio analysis in MS Excel, the regression also calculates the statistical likelihood of the relationship. Second, the bivariate regression accounts for the small sample size with the dataset. This is accomplished by only measuring one independent and one dependent variable. While a multivariate regression would have resulted in greater comprehensiveness, it also would have lowered the ability to produce meaningful results.

Against the three different versions of professionalization, seven variables created in Stata were used. These variables were bills filed, bills passed, diversity (the percentage of female legislators), the strictness of filibuster laws, the ratio between bills passed and filed, resolutions filed, and resolutions passed. To note, two versions of the filibuster variable (filibuster and filibuster) were created; however only filibust was considered.

Results

Across 21 different regressions, 20 regressions were shown to not be statistically significant at an alpha of .90. To note, Figure 5 shows the output for the regressions utilizing the first versions of professionalization, with the independent variable listed along the top and the dependent variables listed along the left axis. The other outputs can be found in the appendix as Figures 6 and 7.

Despite the lack of statistical significance, there were some promising findings. Many results were correlated in an expected manner. Higher professionalization scores typically resulted in a higher number of bills and resolutions filed. Additionally, the higher professionalization yields greater diversity. Unexpectedly the number of bills passed lowers with higher professionalization. These relationships were similar in each of the versions of professionalization examined.

Figure 5: Regression output using Ver. I of Prof. Scores

VARIABLES	(1) prof	(2) prof	(3) prof	(4) prof	(5) Prof	(6) prof	(7) prof	(8) prof
filed	0.00537							
	(0.00483)							
passed		-0.00140						
		(0.0327)						
femper			110.9					
			(208.9)					
filibust				-15.59				
				(33.37)				
filibustnew					-19.73			
					(25.32)			
ratio						-85.10		
						(75.17)		
resofil							0.00116	
							(0.00773)	
resopas								0.000926
								(0.00802)
Constant	80.95***	96.27***	69.58	108.2***	104.5***	127.7***	94.08***	94.52***
	(17.91)	(22.44)	(50.47)	(30.18)	(17.07)	(30.95)	(16.05)	(15.47)
Observations	11	11	11	11	11	11	11	11
R-squared	0.121	0.000	0.030	0.024	0.063	0.125	0.003	0.001

The results yielded through the regression analyses in several ways were exactly what we expected. The regression shows that common and uncommon markers of professionalization are not relevant factors with regards to common markers of effectiveness. Regardless of statistical significance, the coefficients produced were relatively low. Figure 4 exemplifies the magnitude of the relationship as bills filed increases .00537 for every professionalization point increase.

Based on the survey of legislative history, there is evidence that shows legislative developments being borne out of necessity. These developments overall are meant to accomplish a multitude of issues – and not necessarily to pass or file bills. Per diem pay initially resulted as a method to assist in the safe passage of legislators. Higher salaries are argued to deter corruption. And part time legislative sessions, like Texas, are meant to foster legislators better attuned to the needs of their citizens.

Discussion

Based on the regression outputs, it can be argued that the current way of understanding the role of professionalization is limited. Although the bivariate regressions do not allow for the use of controls, both

the weak statistical significance and the low magnitude of the coefficients are evidence of the lack of a relationship. As a result, effectiveness, defined by the indicators used, is not related to higher professionalization scores. Furthermore, it can be argued that commonly used factors of professionalization, such as legislative salary, or uncommon factors, such as the strength of ethics laws, do not promote effectiveness. Or at the least, legislative professionalization factors do not support the filing or passing of bills along with the five other effectiveness indicators. Instead, legislative functions support a myriad of needs – whether as a deterrence for corruption or to provide for safe travel.

There were three major limits to the research. First, the best data found was not consistently accessible across the various states. For example, some states do not provide summary statistics on legislative sessions or publicly state compensation for offices. As such, it was difficult to expand data collection ultimately limiting the scope of the research. The lack of consistent data hindered the ability to expand the number of indicators used and collect data from other states.

Second, not all factors that create a professionalized legislature are easily able to find. An example of this limited view is exemplified through the use of campaign contributions to increase legislative staffer salaries. In short, without comprehensive data collection on campaign contributions and other such indicators these are difficult to measure across states.

Third, legislatures are highly complex bodies. Current research on legislatures is not comprehensive enough to fully encapsulate the process. For future research that looks into the relationship between effectiveness and professionalization, the limits of this research should be taken into consideration.

Conclusion

Using three versions of professionalism, we ran 21 models utilizing the bivariate regression model, since this was best fitted for working with such a small sample size. The first version looked at all the professionalism indicators and California was the most professional with New Hampshire the least. The second version eliminated legislature pay and per diem which resulted in Pennsylvania taking the top professionalism spot and Virginia moving to the bottom. Texas also moved up in the rankings becoming the fourth most professionalized state when the pay indicators were not considered. The third version more heavily weighted turnover and politicization of the state legislatures. The competitiveness in one's party primary and in the general election showed that Pennsylvania once again took the top spot as most professional and New Hampshire was at the bottom. Texas moved up taking the position of third most professionalized state legislature when utilizing this indicator. Overall, among the 21 models, 20 were found to not be statistically significant measures of effectiveness.

Limitations in this research included the short time allotted to research, difficulty of quantifying certain variables, and challenges finding up to date data. There were a lot of other aspects of professionalism and effectiveness that we would have liked to considered, but were limited in the scope of our project with only four months of research time. For example, staff information proved difficult when trying to find the size and pay of staff. The ideology of state legislatures was another indicator we would have liked to use for professionalism, however, it was one that we found difficult to quantify.

Despite the lack of finding statistical significance, we still to a large extent found what we were expecting. Even with a small sample size, many of the indicators moved in the direction that we expected and those that did not show an interesting take for future research. Indicators we did not look at, such as staff pay or qualifications, may have shed some light on a legislature's effectiveness had we had more time.

This research was an initial look into how professionalism and effectiveness interact in the context of state legislatures. It is exploratory in nature and we understand that with more time and resources there may have been some statistical significance to these findings. As mentioned, we know Congress is often considered the benchmark of professionalism, but we wanted to focus on an inter-state comparison and see if it yielded different results. These preliminary findings are a call to delve deeper into state legislatures and how each most effectively fulfills its role of serving its constituents. This snapshot illustrates there is no set formula for a professional legislature, or even that a professionalized legislature is best, but each develops to serve its citizens in a particular manner. In conclusion, state legislatures are complex systems established from necessity and enhanced through experimentation.

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Appendix

Figure 6: Regressions using Prof. Score Ver. II

VARIABLES	(1) prof2	(2) prof2	(3) prof2	(4) prof2	(5) prof2	(6) prof2	(7) prof2	(8) prof2
filed	0.00224* (0.000993)							
passed		0.00722 (0.00751)						
femper			-5.054 (51.18)					
filibust				-4.523 (8.010)				
filibustnew					-3.425 (6.209)			
ratio						-5.369 (19.31)		
resofil							0.00206 (0.00174)	
resopas								0.00218 (0.00180)
Constant	48.49*** (3.681)	50.53*** (5.158)	55.76*** (12.36)	58.28*** (7.245)	56.13*** (4.186)	56.61*** (7.949)	52.07*** (3.606)	52.30*** (3.464)
Observations	11	11	11	11	11	11	11	11
R-squared	0.362	0.093	0.001	0.034	0.033	0.009	0.136	0.141

Standard errors in parentheses
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

Figure 7: Regression using Prof. Score Ver. III

VARIABLES	(1) prof3	(2) prof3	(3) prof3	(4) prof3	(5) prof3	(6) prof3	(7) prof3	(8) prof3
filed	-0.00136							
	(0.00130)							
passed		0.00114						
		(0.00872)						
femper			-60.69					
			(52.99)					
filibust				3.090				
				(8.969)				
filibustnew					5.099			
					(6.783)			
ratio						31.48		
						(18.74)		
resofil							-0.000898	
							(0.00205)	
resopas								-0.000813
								(0.00213)
Constant	82.49***	78.17***	92.98***	76.28***	76.49***	66.89***	79.90***	79.65***
	(4.821)	(5.994)	(12.80)	(8.113)	(4.573)	(7.715)	(4.251)	(4.106)
Observations	11	11	11	11	11	11	11	11
R-squared	0.108	0.002	0.127	0.013	0.059	0.239	0.021	0.016

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1