

A Report on Legislative Professionalism for the State of New Mexico¹

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EXECUTIVE SUMMARY

As polarization and gridlock continues to grip national politics, Americans are increasingly looking to states to remedy the nation’s most significant challenges. The burden has fallen to the states to address complex issues such as health care, immigration, infrastructure, energy, and the environment. Perhaps the federal government’s continued *inaction* compared to state governments’ *action*, is one reason why Americans trust their state government far more than their federal government. But this wasn’t always the case. In the 1960s, state governments—particularly their legislatures—were in crisis. Few legislatures had the capacity to address the daunting issues (particularly civil rights and poverty) that were creating massive political, social, and economic unrest in our states and cities.

So, in 1971, the Citizens Conference on State Legislatures (CCSL) released a landmark assessment of our nation’s state legislatures to gain a better understanding of why our state governments were failing. The CCSL’s report—along with their 1971 book called *The Sometime Governments: An Evaluation of the 50 American Legislatures*—included sweeping recommendations to strengthen our state legislatures. Among other things, it sought to provide legislatures more resources of time, compensation, staff, and facilities. The result was a massive effort across the nation over the next 50 years to “professionalize” our state legislatures.

Legislative professionalism refers to the “**enhancement of the capacity of the legislature to perform its role in the policy-making process.**”² The term can refer either to the **attributes of the legislative institution** or the **characteristics of the people who serve** in the legislature; frequently it refers to both. It should be noted that “professionalism” is not meant to suggest a degree of competency or skill. Rather, the term is used to characterize the *capacity of legislatures* and the degree to which legislators’ primary *career* is as a legislator.

How do we identify professional legislatures? Dating back to CCSL’s landmark reports, scholars of state legislatures generally agree on two factors that measure the capacity to legislate: session length and support staff. A third factor, member salary, is often used to measure professionalism as well. But this measure has more to do with the characteristics of the people who serve in the legislator than the legislature itself. Rather, we prefer to think of legislators along a spectrum of legislative **careerism**. For example, do state legislators work full-time or part-time at legislative tasks? And how do legislators identify themselves? Do they have careers outside the legislature?

After 50 years of state legislative reforms, we have the ability to make some relatively clear conclusions about the consequences of legislative professionalization. **The purpose of this report is to, first, compare the New Mexico state legislature’s level of professionalism with states of similar population size and demographics and, second, to present the key findings from work dedicated to the study of legislative professionalization.**³ We have spent the past few months reviewing the decades of scholarly work on the subject and are prepared to offer

some conclusions. Some consequences are clear; others are less so. We will leave it to you, the reader, to determine the relative value of each finding.

Based on accepted measures of professionalism and data available up to the 2015 biennium, we find that the New Mexico state legislature:

- ✓ Meets an average of 70.53 legislative days during each biennium, the **3rd shortest** in the nation.
- ✓ Spends an average of \$394,510 per legislator during each biennium on staff, which ranks **33rd out of 50** in staff spending (or the **18th lowest** in the nation).
- ✓ Maintains about 168 permanent staff—about 1.5 per legislator—which ranks **36 out of 50** states related to employing permanent staff (**15th lowest**).
- ✓ Has the lowest legislator salary in the nation, at zero dollars. New Mexico remains the only state in the nation whose legislators do not receive a salary.
- ✓ Ranks near the bottom of the two most commonly used aggregate measures of professionalism.
- ✓ Can be characterized as an **amateur legislature with dual-career legislators**.

Based on the research reviewed below, we feel confident in saying that greater legislative professionalism produces:

- ✓ Greater incumbency advantage in elections, but more contested elections as more would-be challengers make the effort to contest incumbents even when their odds of victory remain low.
- ✓ Less membership turnover and thus more stable memberships.
- ✓ More sophisticated and expensive campaigns for office.
- ✓ Less incumbent electoral vulnerability to political and economic shifts, especially those related to the popularity of governors.
- ✓ An increase in the number of progressively ambitious candidates, ones who will more carefully monitor their constituents needs and who will endeavor to represent them accurately in order climb the political ladder.
- ✓ An increase in the effort that legislators put toward to being representatives.
- ✓ More effective and capable lawmaking.
- ✓ More effective bargaining with governors.

- ✓ More stable coalitions in roll-call votes as legislators turn more to party leaders to help their reelections by producing winning coalitions in support of party objectives.
- ✓ Stronger leaders.
- ✓ Greater ability to oversee executive branch agencies.
- ✓ Stronger regulations around lobbying and campaign finance.
- ✓ Members who are focused more on reelection than legislation.
- ✓ Lower levels of descriptive representation for women and Latinos, but greater levels of descriptive representation for African Americans, especially African American women.
- ✓ Greater substantive representation.

Our recommendations are the following:

1. Staffing: Increase the number of permanent legislative staff, especially staff connected to individual legislators as opposed to staff that might work for interim committees such as the Legislative Finance Committee or the other permanent, year-round policy committees. Most legislators in NM do not have dedicated staff; they only have access to staff during the legislative session and/or when their work outside the session puts them in contact with institutional staff members. **Additional staff support is the best way to increase legislative capacity.** Among other benefits, increasing professional staff and broadening their distribution in the legislature will mean **greater ability for the legislature to check executive agencies and governmental programs**, and for **individual legislators to build expertise on policy and to conduct constituency service vital to their constituencies.**
2. Salary: Work to provide a salary to legislators not because of its effects on the legislature, and more because it is the fair thing to do. Legislative salary as an indicator of professionalism is linked to a number of important phenomena such as who runs, time spent on the job, legislative productivity and non-voting, district legislation, good government reforms, economic development, etc., but the overall effect of salary is probably not as important as staffing. The question here of course will be where that salary is set.
3. Days in Session: Days in session should be increased to enhance legislative capacity, especially in bargaining with the executive. Increasing session lengths will allow the legislature to become more involved in making policy, in shaping the budget, and running the government itself. As a result, the legislature will become a constant presence that cannot be ignored by the executive or anyone else.

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As polarization and gridlock continues to grip national politics, Americans are increasingly looking to states to remedy the nation’s most significant challenges. The burden has fallen to the states to address complex issues such as health care, immigration, infrastructure, energy, and the environment. Indeed, states’ responses to our current crisis – the 2020 coronavirus pandemic – illustrates just how consequential state-level policy making and implementation are for the average American. Perhaps the federal government’s continued *inaction* compared to state governments’ *action*, is one reason why Americans trust their state government more than their federal government. According to the most recent data from the Gallup Poll, 63% of Americans trust their state government “a great deal or fair amount,” compared to only 44% for the federal government.⁴

But this wasn’t always the case. In the 1960s, state governments—particularly their legislatures—were in crisis. Few legislatures had the capacity to address the daunting issues (particularly civil rights and poverty) that were creating massive political, social, and economic unrest in our states and cities. So, in 1971, the Citizens Conference on State Legislatures (CCSL) released a landmark assessment of our nation’s state legislatures to gain a better understanding of why our state governments were failing. Their study, “State Legislatures: An Evaluation of Their Effectiveness,” was critical of our state institutions. They called our state legislatures “gray areas” to Americans, arguing that state legislatures were not doing their job “satisfactorily” and that “few people think of the state as a real source of answers to their problems.”⁵

The CCSL’s report—along with their 1971 book called *The Sometime Governments: An Evaluation of the 50 American Legislatures*—included sweeping recommendations to strengthen our state legislatures. According to one review, the reports “provided state-specific marching orders and a battle plan to reform-minded political troops ready and able to carry out its [the CCSL’s] agenda.”⁶ Among other things, it sought to provide legislatures more resources of time, compensation, staff, and facilities. The result was a massive effort across the nation over the next 50 years to “professionalize” our state legislatures.

After 50 years of state legislative reforms, we have the ability to make some relatively clear conclusions about the consequences of legislative professionalization. **The purpose of this report is to present the key findings from work dedicated to the study of legislative professionalization.** We have spent the past few months reviewing the decades of scholarly work on the subject and are prepared to offer some conclusions. Some consequences are clear; others are less so. We will leave it to you, the reader, to determine the relative value of each finding.

This report is organized into three sections. First, we discuss the definition and measures of legislative professionalism. We will also review how New Mexico’s state legislature compares to the rest of the nation on scales of professionalism, paying particular attention to how our state

compares to states with similar population size and density, as well as other relevant metrics. Second, we present key findings from almost 50 years of academic research on legislative professionalism and its consequences. Finally, we offer some concluding thoughts in an effort to guide any future conversations about the merits of professionalizing New Mexico’s state legislature.

MEASURING PROFESSIONALISM

Legislative professionalism refers to the “**enhancement of the capacity of the legislature to perform its role in the policy-making process.**”⁷ Or, according to political scientists Peverill Squire and Gary Moncrief, legislative professionalism “assesses the capacity of both legislator and legislatures to generate and digest information in the policymaking process.”⁸

While there is considerable agreement on its definition and measures (discussed below), the term “legislative professionalism” can create confusion if not carefully applied. As Alan Rosenthal, a prominent scholar of state legislatures,⁹ details, “professionalism” can refer either to the **attributes of the legislative institution** or the **characteristics of the people who serve** in the legislature; frequently it refers to both.¹⁰ It should be noted that “professionalism” is not meant to suggest a degree of competency or skill. Rather, the term is used to characterize the *capacity of legislatures* and the degree to which legislators’ primary *career* is as a legislator.

The Legislature. In terms of a legislature’s level of professionalism, the key concept is “capacity.” A professional legislature is one that has the *capacity* to legislate. The basic logic is that more professional legislatures are better equipped to play an active role in policymaking than their less well-equipped counterparts.¹¹

How do we identify professional legislatures? Dating back to CCSL’s landmark reports, scholars of state legislatures generally agree on two factors that measure the capacity to legislate. They are featured in all major studies of professionalism at the state level:

1. *Session Length.* Sessions must provide sufficient and flexible time for legislatures to accomplish their objectives.¹² Extra time enables legislatures to become more involved in making policy, in shaping the budget, and running the government itself. Decades of reform—such as removing constitutional restrictions on session lengths—have resulted in legislators spending more time on the job, in and out of session. As a result, “the legislature has become a constant presence that cannot be ignored by the executive or anyone else.”¹³

The most common measure for session length is **the number of days the legislature met in the two-year period following the beginning of the biennial.**¹⁴ Studies do vary, however, in whether regular *and* special sessions are included, or just regular sessions. We prefer the former because, as political scientists Daniel Bowen and Zachary Greene note, some states use special sessions to circumvent statutory and constitutional limits on the number of days the legislature can meet during a regular session.¹⁵

2. *Staff Support.* Rosenthal calls staff support “the single greatest boost to legislative capacity.”¹⁶ Increasing professional staff and broadening their distribution in the legislature

are typically at the top of most legislative reformer’s list of priorities. And for good reason; increased staff means greater support for:¹⁷

- Leaders to organize and coordinate legislative business
- Standing committees to delve more deeply into their policy domains
- Fiscal committees to play a larger role in the budget process
- Parties to conduct electoral and legislative responsibilities
- The legislature to inquire about the efficiency and effectiveness of executive agencies and governmental programs
- Individual legislators to build expertise on policy and to conduct constituency service vital to their districts.

Two measures are commonly used for staff support. The first, used by Squire, is simply **the total number of staff during each session**.¹⁸ This information is limited, however, because staffing data are only available in years when the National Conference of State Legislatures (NCSL) conducts a survey of legislative staff.

Others, including Bowen and Greene, propose a useful alternate: **state expenditures for the legislature not paid toward legislative salaries**.¹⁹ Taken from the U.S. Census Bureau’s Annual Survey of State Government Finances, expenditures are divided by the number of state legislators in each state and then summed over each respective biennium. Simply stated, this measures each state’s **expenditures per legislator during each biennium**.²⁰

Rosenthal provides an intuitive way to illustrate how session length and support staff intersect to form degrees of professionalism.²¹ We present the figure in a slightly revised form below (Figure 1). Note that the “professional” legislature is distinguished by a heavier schedule and a larger staff, while the “amateur” legislature has a lighter schedule and a smaller staff. Some legislatures are in between these two extremes. “Work-intensive” legislatures have heavier schedules but smaller staffs, while “support-intensive” legislatures have light schedules but large staffs. According to Rosenthal, work-intensive legislatures are closer to amateur legislatures than they are to professional ones, while the reverse is true for support-intensive legislatures.

Figure 1: The Professionalization of Legislatures

	Larger Staff	Smaller Staff
Lighter Schedule	Support-intensive Legislature	Amateur Legislature
Heavier Schedule	Professional Legislature	Work-intensive Legislature

Source: Reproduced from Rosenthal (1996).

The Legislators. Much of the research reviewed below considers professional legislatures and professional *legislators* as one in the same. We believe this is misguided. We are convinced by Rosenthal’s categorization of professionalism as a concept that ought to be restricted to the

legislature, and not extend to those who comprise it.²² Rather, it is helpful to think of legislators along a spectrum of legislative **careerism**. While legislative (or “institutional”) professionalism refers to the measures of capacity noted above, **careerism** refers to characteristics of legislators. For example, do state legislators work full-time or part-time at legislative tasks? And how do legislators identify themselves? Do they have careers outside the legislature? Rosenthal provides another useful figure to illustrate the potential legislator types:²³

Figure 2: The Professionalization of Legislators

	Part-time Service	Full-time Service
Short-term Service	Citizen Legislator	Citizen-on-leave Legislator
Long-term Service	Dual-career Legislator	Professional Legislator

Source: Reproduced from Rosenthal (1996).

According to Rosenthal, professional legislators are full-time and have long-term experience and/or legislative aspirations. In contrast, part-time legislators with “little political mileage behind or ahead of them” are citizen legislators.²⁴ Dual-career legislators are part-time legislators who have experience and (expect) to continue in office long-term. Rosenthal thinks of dual-career legislators as closer to professional than citizen legislators. Finally, full-time legislators who think of themselves as “on temporary leave from regular life” are closer to the citizen than professional legislator and are considered to be citizen-on-leave legislators.²⁵

As we highlight below, research shows that building legislative capacity (e.g. support staff and session length) encourages legislative careerism. Increasing compensation does as well.

3. *Member Salary*. Research commonly treats legislator’s salary as a third measure of professionalism in state legislatures. But it is conceptually different than the other two. Support staff and session length are connected to the legislature; according to Rosenthal “they have a direct impact on the way the legislature works but only an indirect impact on legislators as individuals.”²⁶ Compensation, on the other hand, is connected to the legislator; “it is of direct relevance to the individual members but has no direct effect on the legislature itself.”²⁷

As we later discuss, member salary likely affects (among other things) who runs for office, who wins, and how long legislators wish to stay in office. As we proceed, it will be more helpful to treat member salary as a *predictor* of careerism or legislator professionalism, rather than a *measure* for careerism or legislator professionalism.

Salary is commonly measured as **the base salary amount paid to legislators in a given year**. Per diem living expenses (vouchered or unvouchered) and non-salary benefits (e.g. insurance or retirement fund payments) are typically not included in the measure. Thus, the measure often underestimates actual compensation for legislators.²⁸

Squire's Index of Professionalism. Without a doubt, the most widely used measure for legislative professionalism is the "Squire Index," named after its creator, political scientist Dr. Peverill Squire. The Squire Index aggregates the three measure above (session length, staff, and salary) into one simple, unidimensional score for each state. The score ranges from 0 (least professional) to 1 (most professional).²⁹

It is worth noting that despite the Squire Index's popularity in studies of legislative professionalism – as well as its ease of interpretation – it does have its disadvantages. Perhaps most important is that it conflates indicators connected to the legislature (session length and staff support) with an indicator connected to legislators (salary). Bowen and Greene provide a thoughtful discussion of the advantages of disaggregating the measure into its respective components.³⁰

THE NEW MEXICO STATE LEGISLATURE

How does the New Mexico state legislature compare to its counterparts on measures professionalism? Unless otherwise noted, the data below are taken from Bowen and Greene's dataset of state legislatures.³¹ Their data range from the 1973/4 biennium to the 2013/4 biennium, and we present the ten-year average from 2003/4 to 2013/4, as well as each state's most recent session in the dataset, for each component of legislative professionalism (session length, staff support, and salary).

While more recent data would be ideal, these state-level indicators have been stable since 2010. As scholars have noted, expenditures per legislator (staff) increased in the 1970s, 80s and 90s while salaries and total days in session fluctuated only mildly.³² Since states rarely implement major legislative reforms—and we are not aware of any major reforms since the 2013/4 biennium—we are confident that Bowen and Greene's data provides a reasonable and timely comparison of state-level legislative professionalism. When possible, we do augment their data with the more up-to-date figures.

A Quick Note on Comparing States

We utilize two measures to identify states comparable to New Mexico, population size and population density. Population size is a key determinant of political representation in the U.S., and thus provides a simple proxy to identify states with similar representational needs to New Mexico. Population density, by contrast, measures the ease with which representatives can interact with their constituents, with more densely settled populations being easier, given that people live closer to one another within a given unit of land area. Here are the states whose population sizes are within 1 million people relative to New Mexico (Table 1).

Table 1: Population Sizes Similar to New Mexico

<u>State</u>	<u>Population</u>	<u>Population Difference</u>	<u>Population Density</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
Maine	1332813	-759621	43.21	73.9547	43
New Hampshire	1343622	-748812	150.07	73.8209	42
Hawaii	1422029	-670405	221.42	90.2403	48
Idaho	1687809	-404625	20.42	63.7351	26
West Virginia	1829054	-263380	76.08	76.5641	45
Nebraska	1904760	-187674	24.80	63.5534	25
New Mexico	2092434	0	17.25	0	0
Kansas	2908776	816342	35.58	61.6628	20
Nevada	2922849	830415	26.63	48.0429	3
Mississippi	2988762	896328	63.69	59.4635	15
Arkansas	2990671	898237	57.48	60.4805	17
Utah	3045350	952916	37.05	65.6182	32

Source: Population data from U.S. Census. The similarity score is taken from Jarman’s (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>. The score measures each state’s similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar).

But population size alone cannot capture arguably more important determinants of representation such as demographic (e.g. race and ethnicity, age, education, etc.) and economic characteristics (e.g. occupation, income, poverty, industry, etc.). Thus, most tables below include a measure of how similar each state is to New Mexico along demographic and economic characteristics. The **similarity score** ranges from 0 (most similar to New Mexico) to 100 (least similar), while its **rank** ranges from 1 (most similar) to 50 (least similar). The index was developed by David Jarman of *Daily Kos* (2020) and provides a statistical cross-section of 28 statewide demographic and economic variables.³³

Below (Table 2) are the 10 states most similar to NM according to Jarman’s measure, along with their respective populations and population densities.

Table 2: 10 Most Similar States to NM

<u>State</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>	<u>Population Size</u>	<u>Population Difference</u>	<u>Population Density</u>
New Mexico	0	0	2092434	0	17.25
Texas	31.905	1	27885195	25792761	106.74
Arizona	32.1695	2	6946685	4854251	61.16
Nevada	48.0429	3	2922849	830415	26.62
North Carolina	49.1946	4	10155624	8063190	208.88
Georgia	50.0113	5	10297484	8205050	178.42
Oklahoma	50.1189	6	3918137	1825703	57.12
South Carolina	51.6122	7	4955925	2863491	164.85
Florida	52.3784	8	20598139	18505705	383.95
Louisiana	52.9667	9	4663616	2571182	107.94
Alaska	53.8379	10	738516	-1353918	1.29

Source: The similarity score is taken from Jarman’s (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>. The score measures each state’s similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar), while the rank runs from 1 (most similar to New Mexico) to 50 (least similar). Population data from U.S. Census.

- ✓ Based on these two measures, one state appears most similar to New Mexico. It is the *only* state that appears in both Tables 1 and 2, indicating a comparable population size and similarity score: the state of **Nevada**.³⁴ Nevada has about 800,000 more people than New Mexico, and is the 3rd most similar to NM according to the similarity score (after Texas and Arizona, respectively).

Session Length

Table 3 lists the twenty states with the fewest *days in session* (see above for how days in session is measured).

- ✓ According to Table 3, New Mexico meets an average of 70.53 legislative days during each biennium. That makes NM the **3rd shortest** in the nation.
- ✓ The state of Nevada, the 3rd most similar state to NM according to demographic and economic variables, meets about three weeks, or 23 days, more than NM (94.19 versus 70.53) during their average biennium.

- ✓ The state of Georgia, the 5th most similar state to NM, meets an average of 83.67 days each biennium; about 13 days more than NM.

Table 3: Total Session Length (Bottom 20 States)

<u>State</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
Wyoming	50	56.83	55	67.09	35
North Dakota	49	67.56	80	78.97	46
New Mexico	48	70.53	64.61	--	--
Utah	47	73.31	62.77	65.62	32
New Hampshire	46	75.06	42	73.82	42
South Dakota	45	75.50	76	64.05	29
New Jersey	44	79.83	93	71.27	39
Georgia	43	83.67	87.57	50.01	5
Virginia	42	86.58	83.97	65.08	30
Alabama	41	89.59	60	55.83	11
Montana	40	93.33	87	70.54	37
Arkansas	39	94.13	133.11	60.48	17
Nevada	38	94.19	87.33	48.04	3
Tennessee	37	94.46	99.74	57.56	13
Florida	36	101.57	88.75	52.38	8
West Virginia	35	102.96	116.89	76.56	45
Louisiana	34	105.66	85.2	52.97	9
Delaware	33	106.90	98	58.68	14
Maine	32	108.18	139	73.95	43
Kentucky	31	111.75	94	66.01	33

Note: Total session length is measured as the total number of legislative days the legislature met in the two-period following the beginning of each biennium. Legislative days includes both regular and special sessions. The 10-year average includes all sessions held between 2003/04 and 2013/14. The source is Bowen and Greene's (2014) legislative professionalism dataset found here: <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/27595>. The similarity score measures each state's similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar), while the rank runs from 1 (most similar to New Mexico) to 50 (least similar). The similarity score is taken from Jarman's (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>

Staff Support

Table 4 lists the twenty states with the fewest *staff expenditures per legislator* (see above for how staff support is measured).

- ✓ According to Table 4, New Mexico spends an average of \$394,510 per legislator during each biennium on staff. That ranks NM **33rd out of 50** in staff spending, or the **18th lowest** in the nation.
- ✓ The state of Georgia, the 5th most similar state to NM according to demographic and economic variables, spends about \$140,000 less than NM per legislator.
- ✓ The state of Oklahoma, the 6th most similar state to NM, spends an almost identical amount on staff as NM: \$385,960 per legislator during their average biennium.
- ✓ New Mexico’s most similar state, Nevada, ranks 9/50 on staff support per legislator. They averaged \$1,177,000 per legislator.

Table 4: Staff Support Per Legislator (Bottom 20 States)

<u>State</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
New Hampshire	50	64.44	60.53	73.82	42
South Dakota	49	85.24	78.83	64.05	29
Vermont	48	85.46	80.98	72.59	40
North Dakota	47	130.93	134.07	78.97	46
Wyoming	46	145.46	161.89	67.09	35
Montana	45	195.91	195.79	70.54	37
Idaho	44	197.64	183.73	63.74	26
Utah	43	220.43	259.90	65.62	32
Maine	42	221.28	185.40	73.96	43
Kansas	41	225.83	226.0	61.66	20
Mississippi	40	233.64	226.80	59.46	15
Georgia	39	251.75	217.38	50.01	5
Missouri	38	280.75	267.87	63.10	23
Delaware	37	292.45	283.54	58.68	14
Iowa	36	351.25	331.04	70.76	38
Oklahoma	35	385.96	337.41	50.12	6
West Virginia	34	391.94	387.45	76.56	45

New Mexico	33	394.51	354.83	0	0
Colorado	32	430.75	463.65	61.48	19
Minnesota	31	467.09	398.86	73.62	41

Note: Staff support is measured as the state expenditures (in thousands) for the legislature not paid toward legislative salaries. Expenditures are divided by the number of state legislators in each state and then summed over each respective biennium to attain expenditures per legislator during each biennium. The 10-year average includes all sessions held between 2003/04 and 2013/14. The source is Bowen and Greene’s (2014) legislative professionalism dataset found here: <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/27595> The similarity score measures each state’s similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar), while the rank runs from 1 (most similar to New Mexico) to 50 (least similar). The similarity score is taken from Jarman’s (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>

Table 5 lists the number of permanent, session, and total staff employed by each state in 2015. It is sorted by *permanent staff per legislator*.

- ✓ According to Table 5, New Mexico maintained 168 permanent staff—about 1.5 per legislator—in 2015. New Mexico is **36 out of 50** states related to employing permanent staff (**15th lowest**).
- ✓ New Mexico’s total staff ballooned to 674 during the session due to an increase of 506 short-term session staff. New Mexico maintained about 6 long- and short-term staff members per legislator in 2015. That ranks NM the **30th out of 50** in total staff per legislator, or the **21st lowest** in the nation.
- ✓ By comparison, New Mexico’s most similar state in terms of *both* population size and similarity score, the state of Nevada, maintained 4.51 permanent staff per legislator in 2015, ranking it 13/50, and 9.29 total staff (permanent and session), ranking it 9/50.

Table 5: Number of Staff by State, 2015 (Sorted by Permanent Staff per Legislator)

<u>State</u>	<u>Permanent Staff</u>	<u>Session Staff</u>	<u>Total Staff</u>	<u>Total Legislators</u>	<u>Permanent Staff Per Legislator</u>	<u>Total Staff Per Legislator</u>
North Dakota	37	85	122	141	0.26 (50)	0.87 (48)
New Hampshire	129	21	150	424	0.30 (49)	0.35 (50)
Vermont	55	37	92	180	0.31 (48)	0.51 (49)
Wyoming	36	73	109	90	0.40 (47)	1.21 (44)
South Dakota	58	56	114	105	0.55 (46)	1.09 (46)
Idaho	76	60	136	105	0.72 (45)	1.30 (43)
Mississippi	140	33	173	174	0.80 (44)	0.99 (47)
Kansas	148	206	354	165	0.90 (43)	2.15 (37)
Montana	136	115	251	150	0.91 (42)	1.67 (42)
Maine	171	35	206	186	0.92 (41)	1.11 (45)

Georgia	221	210	431	236	0.94 (40)	1.83 (41)
Iowa	167	175	342	150	1.11 (39)	2.28 (34)
Delaware	79	79	158	62	1.27 (38)	2.55 (31)
Utah	133	94	227	104	1.28 (37)	2.18 (35)
New Mexico	168	506	674	112	1.50 (36)	6.02 (30)
West Virginia	201	151	352	134	1.50 (35)	2.63 (12)
Oklahoma	224	75	299	149	1.50 (34)	2.01 (39)
South Carolina	280	52	332	170	1.65 (33)	1.95 (40)
Indiana	252	53	305	150	1.68 (32)	2.03 (38)
Tennessee	264	58	322	132	2.00 (31)	2.44 (32)
Missouri	403	23	426	197	2.05 (30)	2.16 (36)
North Carolina	370	308	678	170	2.18 (29)	3.99 (21)
Colorado	228	88	316	100	2.28 (28)	3.16 (27)
Rhode Island	259	0	259	113	2.29 (27)	2.29 (33)
Connecticut	465	125	590	187	2.49 (26)	3.16 (28)
Alabama	349	59	408	140	2.49 (25)	2.91 (29)
Kentucky	375	93	468	138	2.72 (24)	3.39 (25)
Minnesota	568	68	636	201	2.83 (23)	3.16 (26)
Arkansas	435	97	532	135	3.22 (22)	3.94 (22)
Oregon	303	151	454	90	3.37 (21)	5.04 (16)
Maryland	656	117	773	188	3.49 (20)	4.11 (20)
Ohio	476	0	476	132	3.61 (19)	3.61 (24)
Washington	536	257	793	147	3.65 (18)	5.39 (15)
Massachusetts	759	0	759	200	3.80 (17)	3.80 (23)
Virginia	533	289	822	140	3.81 (16)	5.87 (13)
Hawaii	307	284	591	76	4.04 (15)	7.78 (8)
Illinois	784	67	851	177	4.43 (14)	4.81 (19)
<i>Nevada</i>	<i>284</i>	<i>301</i>	<i>585</i>	<i>63</i>	<i>4.51 (13)</i>	<i>9.29 (6)</i>
Nebraska	229	7	236	49	4.67 (12)	4.82 (18)
Wisconsin	649	0	649	132	4.92 (11)	4.92 (17)
Louisiana	743	179	922	144	5.16 (10)	6.40 (10)
Michigan	817	0	817	148	5.52 (9)	5.52 (14)
Alaska	341	172	513	60	5.68 (8)	8.55 (7)
Arizona	521	97	618	90	5.79 (7)	6.87 (9)
New Jersey	727	30	757	120	6.06 (6)	6.31 (11)
Florida	1,446	167	1,613	160	9.04 (5)	10.08 (4)
Pennsylvania	2,358	0	2,358	253	9.32 (4)	9.32 (5)
Texas	2,057	302	2,359	181	11.36 (3)	13.03 (3)
New York	2,776	89	2,865	213	13.03 (2)	13.45 (2)
California	2,098	3	2,101	120	17.48 (1)	17.51 (1)

Note: State rankings in parentheses (ranges from 1, highest number of staff per legislator, to 50, lowest number of staff). Number of staff taken from National Conference of State Legislators, available here: <https://www.ncsl.org/research/about-state-legislatures/staff-change-chart-1979-1988-1996-2003-2009.aspx> (accessed May 1, 2020). Number of legislators from the *Book of States*, available here: <http://knowledgecenter.csg.org/kc/category/content-type/content-type/book-states> (accessed May 1, 2020).

Salary

Table 6 lists the twenty states with the lowest legislator salaries in thousands of dollars (see above for how salary is measured).

- ✓ According to Table 3, New Mexico has the lowest legislator salary in the nation, at zero dollars. **New Mexico remains the only state in the nation whose legislators do not receive a salary.**
- ✓ The state of Nevada, arguably NM’s most similar state, ranks 45th in salary. In 2019 they paid a per diem salary of about \$150 per day over a 60-day regular session (about \$9,000 per legislator per year).

Table 6: Base Salary Ranking (Bottom 20 States)

<u>State</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
New Mexico	50	0	0	--	--
New Hampshire	49	0.21	0.19	73.8209	42
Alabama*	48	0.99	0.78	55.8253	11
Montana	47	7.667	6.73	70.5376	37
Wyoming	46	8.16	7.68	67.0934	35
Nevada	45	8.67	8.17	48.0429	3
South Dakota	44	12.39	11.14	64.0457	29
North Dakota	43	13.22	16.46	78.9719	46
Texas	42	14.87	13.37	31.905	1
Utah	41	15.48	21.92	65.6182	32
Kansas	40	16.81	14.58	61.6628	20
Vermont	39	19.39	21.41	72.5933	40
Mississippi	38	21.14	18.86	59.4635	15
South Carolina	37	21.48	19.31	51.6122	7
Maine	36	22.58	22.16	73.9547	43
Kentucky	35	22.81	13.29	66.0087	33

Nebraska	34	24.79	22.29	63.5534	25
Rhode Island	33	27.27	27.47	67.9226	36
North Carolina	32	28.82	25.91	49.1946	4
Arkansas	31	30.56	29.47	60.4805	17

Note: Salary in thousands. Measured as the base salary amount paid to legislators in a given year. The 10-year average includes all sessions held between 2003/04 and 2013/14. The source is Bowen and Greene’s (2014) legislative professionalism dataset found here: <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/27595> *Alabama increased their salary to about \$43,000 in 2015, officially tying legislators’ salary to the state’s median annual household income.

Overall Legislative Professionalism

Table 7 shows how all three measures of legislative professionalism—session, staff, and salary—compare across the states most similar to New Mexico’s population size. The table is sorted by *population size*.

Table 8 shows how all three measures compare across New Mexico’s most similar states according to demographic and economic variables. The table is sorted by Jarman’s *similarity score*.

- ✓ New Mexico’s legislature is more comparable to its population peers on measures of professionalism than states with similar demographic and economic characteristics.

Table 7: Session, Salary, and Staff by Similar Population Sizes To New Mexico (w/in 1 million)

<u>State</u>	<u>Population</u>	SESSION LENGTH			SALARY			STAFF SUPPORT		
		<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>
Maine	1332813	32	108.18	139	36	22.57	22.16	42	221.28	185.40
New Hampshire	1343622	46	75.05	42	49	0.20	0.18	50	64.44	60.53
Hawaii	1422029	29	127.39	124	10	84.76	96.61	16	643.99	540.92
West Virginia	1687809	24	102.95	116.89	30	35.81	37.14	44	391.94	387.45
Idaho	1829054	35	137.04	115.02	27	33.08	30.52	34	197.63	183.73
Nebraska	1904760	17	153.30	150	34	24.78	22.28	17	639.73	615.19
New Mexico	2092434	48	70.52	64.61	50	0	0	33	394.51	354.82
Kansas	2908776	20	142.46	127.8	40	16.80	14.57	41	225.83	226.06
Nevada	2922849	38	94.19	87.33	45	8.67	8.17	9	1177.60	1037.02
Mississippi	2988762	9	179.12	152.65	38	21.14	18.85	40	233.64	226.79
Arkansas	2990671	39	94.13	133.11	31	30.56	29.47	21	566.31	597.74
Utah	3045350	47	73.31	62.77	41	15.48	21.92	43	220.43	259.91
<i>Means</i>	<i>2285101.45</i>	<i>32.00</i>	<i>113.59</i>	<i>106.93</i>	<i>35.91</i>	<i>24.66</i>	<i>25.43</i>	<i>31.64</i>	<i>432.37</i>	<i>408.20</i>

Source: Professionalism data from Bowen and Greene (2014), and population data from the U.S. Census.

Table 8: Session, Salary, and Staff by Ten Most Similar States to New Mexico

<u>State</u>	<u>Similarity</u>	<u>SESSION LENGTH</u>			<u>SALARY</u>			<u>STAFF SUPPORT</u>		
		<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>
New Mexico	0	48	70.53	64.61	50	0	0	33	394.51	354.83
Texas	31.91	27	129.73	146.97	42	14.87	13.37	5	1455.77	1387.16
Arizona	32.17	5	224.98	184.05	21	49.58	44.57	19	594.22	507.77
Nevada	48.04	38	94.19	87.33	45	8.67	8.17	9	1177.60	1037.02
North Carolina	49.20	11	173.46	176.29	32	28.82	25.91	26	522.67	516.08
Georgia	50.01	43	83.67	87.57	28	35.08	32.21	39	251.76	217.38
Oklahoma	50.12	25	136.25	134	14	79.33	71.31	35	385.96	337.41
South Carolina	51.61	16	156.43	199.41	37	21.49	19.31	20	588.78	652.60
Florida	52.38	36	101.57	88.75	19	61.82	55.14	3	2011.42	1730.02
Louisiana	52.97	34	105.66	85.2	23	40.39	43.10	14	683.79	702.10
Alaska	53.84	12	173.36	131.35	15	70.61	93.59	6	70.61	93.59
<i>Means</i>	<i>42.93</i>	<i>26.82</i>	<i>131.80</i>	<i>125.96</i>	<i>29.64</i>	<i>37.33</i>	<i>36.97</i>	<i>19.00</i>	<i>739.74</i>	<i>685.09</i>

Source: Professionalism data from Bowen and Greene (2014), and similarity score from Daily Kos (Jarman 2020).

Figure 3 depicts how the fifty states rank according to the two primary measures of overall legislative professionalism: Bowen and Greene’s (2014) scale and Squire’s Index (2017). Table 8 shows each state’s scores and ranking.

- ✓ **New Mexico’s legislature ranks near the bottom of both measures of professionalism.** It has the 4th lowest Bowen and Greene score (-1.37) and 7th lowest Squire Index score (.14). NM’s scores are below each measure’s respective means of .11 and .22, respectively.

Figure 3: Overall Legislative Professionalism Ranks

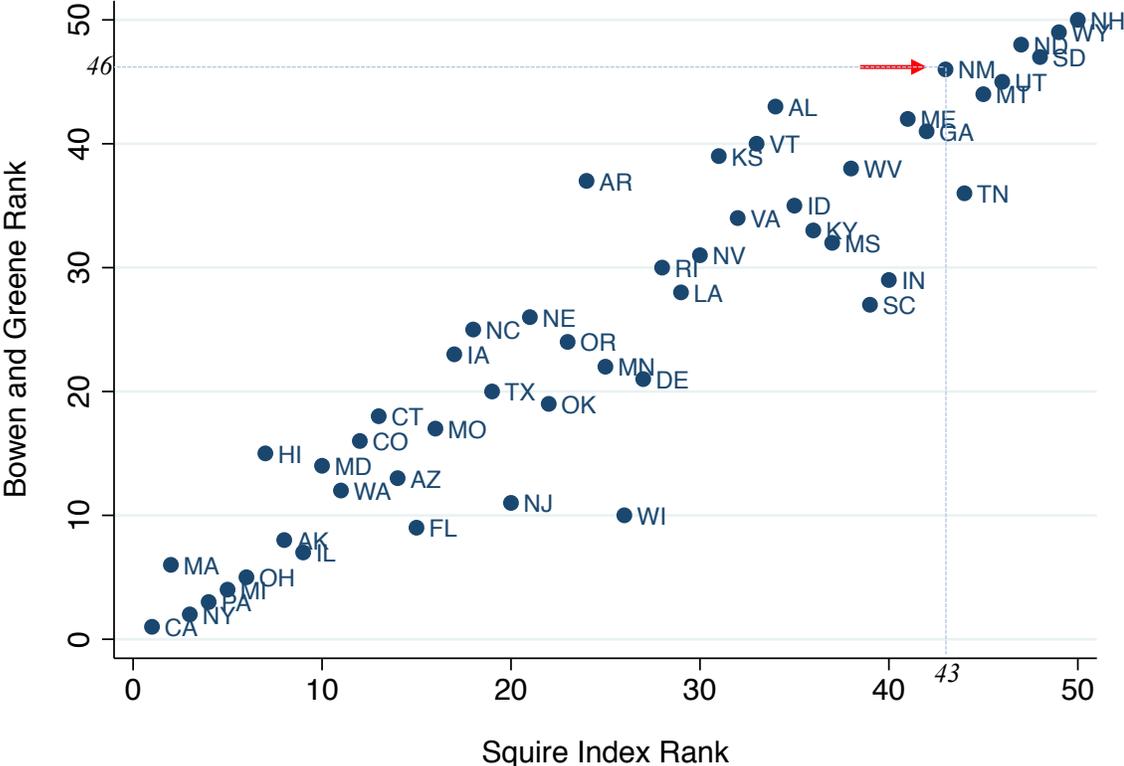


Table 8: Legislative Professionalism Scores

<u>State</u>	<u>Bowen and Greene Score</u>	<u>Bowen and Greene Rank</u>	<u>Squire Index Score</u>	<u>Squire Rank</u>
New Hampshire	-1.60	50	0.048	50
Wyoming	-1.56	49	0.081	49
South Dakota	-1.42	47	0.103	48
North Dakota	-1.43	48	0.112	47
Utah	-1.29	45	0.115	46

Montana	-1.28	44	0.116	45
Tennessee	-0.65	36	0.136	44
New Mexico	-1.38	46	0.14	43
Georgia	-0.93	41	0.149	42
Maine	-0.96	42	0.154	41
Indiana	-0.42	29	0.156	40
South Carolina	-0.36	27	0.156	39
West Virginia	-0.69	38	0.157	38
Mississippi	-0.50	32	0.161	37
Kentucky	-0.64	33	0.162	36
Idaho	-0.65	35	0.169	35
Alabama	-1.25	43	0.175	34
Vermont	-0.91	40	0.178	33
Virginia	-0.64	34	0.178	32
Kansas	-0.80	39	0.181	31
Nevada	-0.48	31	0.182	30
Lousiana	-0.37	28	0.187	29
Rhode Island	-0.44	30	0.2	28
Delaware	-0.09	21	0.203	27
Minnesota	-0.12	22	0.204	25
Wisconsin	0.93	10	0.204	26
Arkansas	-0.68	37	0.207	24
Oregon	-0.13	24	0.214	23
Oklahoma	0.11	19	0.229	22
Nebraska	-0.30	26	0.23	21
New Jersey	0.73	11	0.233	20
Texas	0.06	20	0.234	19
North Carolina	-0.20	25	0.238	18
Iowa	-0.13	23	0.241	17
Missouri	0.18	17	0.243	16

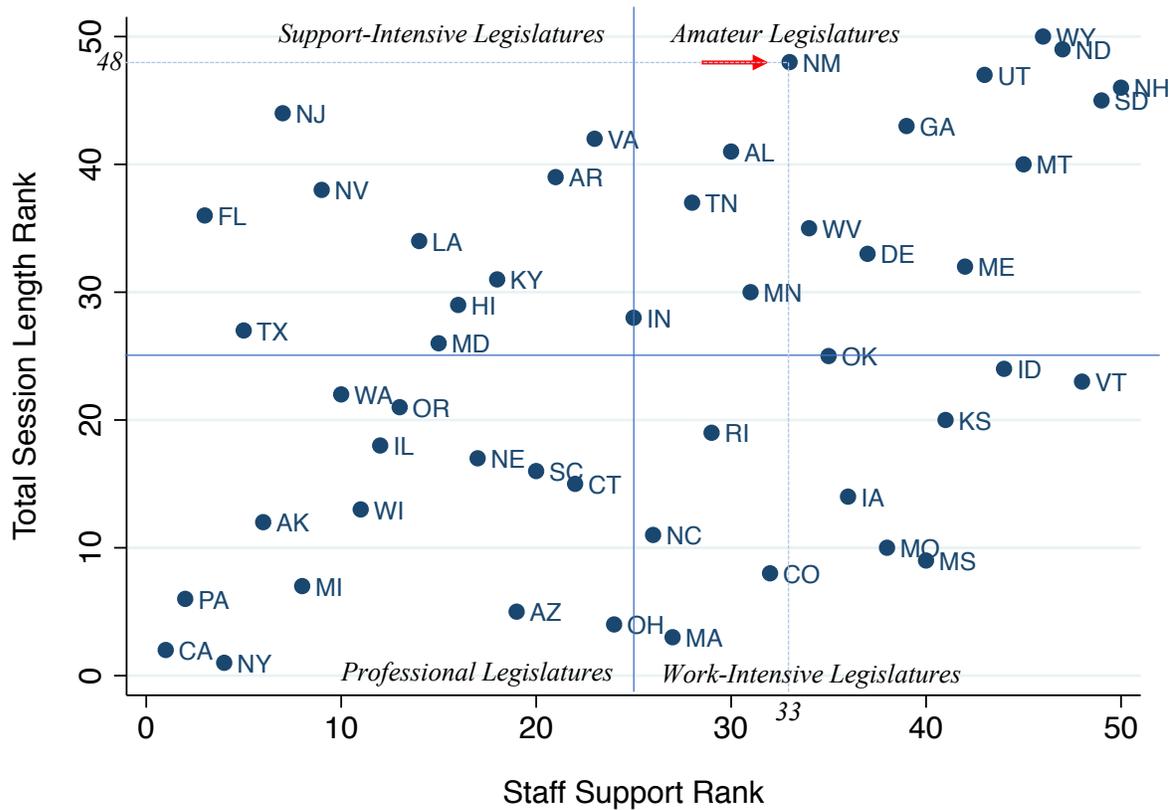
Florida	0.94	9	0.245	15
Arizona	0.48	13	0.264	14
Connecticut	0.15	18	0.267	13
Colorado	0.23	16	0.268	12
Washington	0.56	12	0.272	11
Maryland	0.37	14	0.278	10
Illinois	1.18	7	0.294	9
Alaska	1.02	8	0.296	8
Hawaii	0.33	15	0.321	7
Ohio	1.68	5	0.384	6
Michigan	2.33	4	0.401	5
Pennsylvania	3.16	3	0.417	4
New York	4.72	2	0.43	3
Massachusetts	1.64	6	0.431	2
California	7.21	1	0.629	1

Note: Data from Bowen and Greene (2014) and Squire (2017). Like our data on the individual components of professionalism above, we depict the 10-year average of Bowen and Greene’s overall score. We use their first-dimension score, as it accounts for the majority of variation between states.

Figure 4 below shows a scatterplot between state rankings for total session length and staff support. It is meant to represent Rosenthal’s four types of professional legislatures (see Figure 1). We use each state’s ranking for session length (see Table 3) as a proxy for the heavier/lighter schedule dichotomy along the y-axis, and the ranking for Bowen and Greene’s measure for staff support as a proxy for smaller/larger staff along the x-axis.

- ✓ Following Rosenthal’s typology, **New Mexico’s legislature can be categorized as an “amateur legislature” given its relatively short sessions and small staff support.**

Figure 4: The Professionalization of Legislatures (Session Lengths by Staff Support)

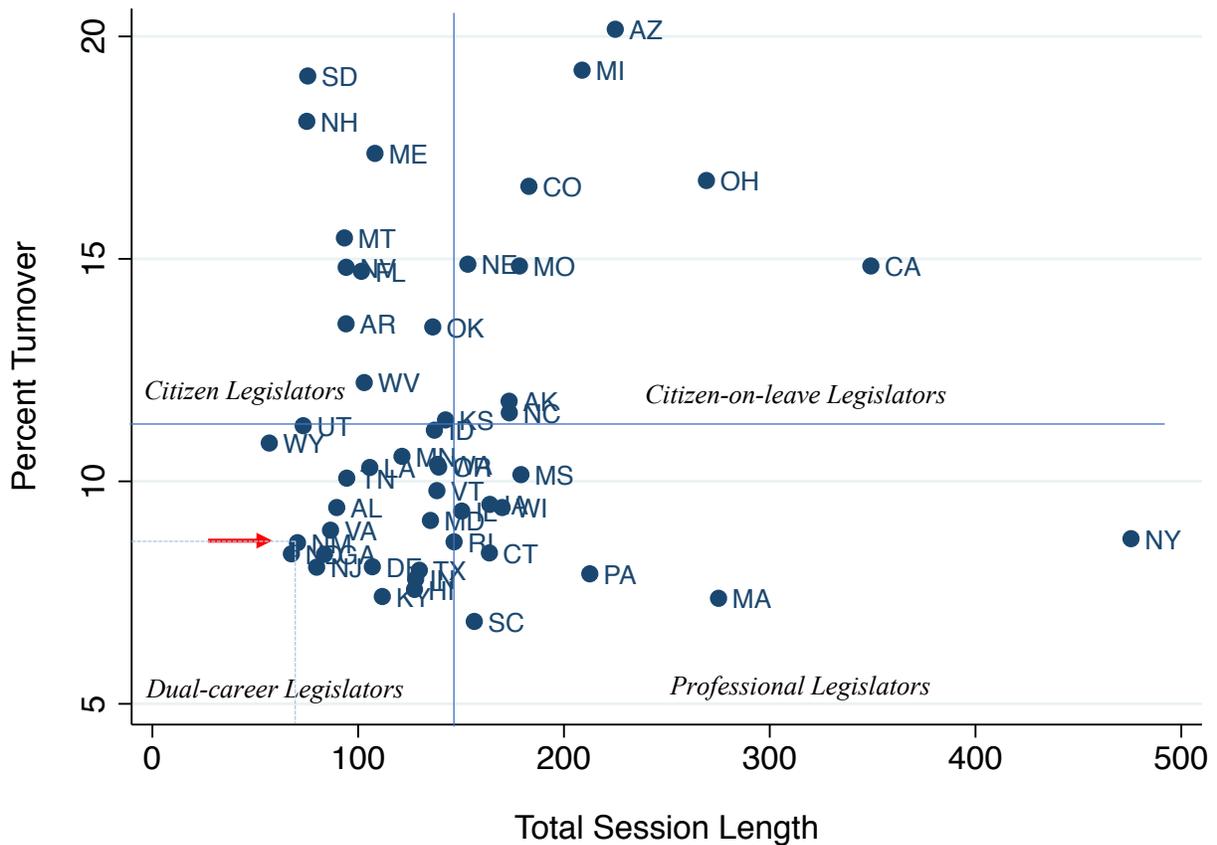


Source: Data from Bowen and Greene (2014)

Figure 5 below shows a scatterplot between each state legislature’s average rate of turnover and total session length. It is meant to represent Rosenthal’s four types of professional legislators (see Figure 2). We use each state’s turnover as a proxy for the short/long term service dichotomy along the y-axis, and each state’s total session length as a proxy for part-full time service. Percent turnover is measured as the average turnover rate of members of each state legislature between 2003 and 2019. Yearly turnover rates were taken from the *Book of States*.

- ✓ Following Rosenthal’s typology, **New Mexico’s legislators can be categorized as “dual-career” given their relatively long careers in the legislature but short session lengths.**
- ✓ **New Mexico’s state legislators have one of the lowest rates of turnover in the nation.** Between 2003 and 2019, New Mexico’s average turnover rate was 8.62%, which is well below the national average of 11.43%. That makes NM the 13th lowest in the nation. **So, while NM’s legislature has one of the shortest sessions in the nation, its legislators have some of the nation’s longest careers.**

Figure 5: The Professionalization of Legislators: Turnover by Session Length



Legislative professionalism's effects on the following are analyzed:

- ✓ Elections
- ✓ Legislatures
- ✓ Representation
- ✓ Policy

Elections

Healthy democracy requires that elections be competitive. Competitive elections clarify candidates' issue positions, the differences between candidates in terms of their qualifications and character, and, in general, what is at stake in the election. Because competitive elections clarify choices, they enhance the ability of voters to hold government accountable for its actions.

Incumbent Advantage

One dimension of electoral competition concerns the advantage incumbents have over their challengers. The incumbency advantage is the electoral advantage incumbents enjoy simply because they are the current occupants of an office. It has been measured a number of different ways. Some examine the number of incumbents who seek reelection, and compare that to the number who win and by how much, or margin of victory.³⁵ Some look at incumbent turnover, or the difference between the membership of a legislature at the beginning of a legislative session and the membership of that same legislature immediately after the next election.³⁶ Still others study the sophomore surge—the difference between the incumbent's first victory as a nonincumbent candidate and their first election as an incumbent, controlling for underlying partisan trends within a district and within a given election cycle—and retirement slump, or the decrease in the vote for the incumbent's party once an incumbent is no longer on the ballot.³⁷ Regardless of how it is measured, effort is made to isolate the advantages derived from being the incumbent, net of other factors that might also influence an incumbent's electoral performance.³⁸

What have we learned? First, incumbents enjoy a distinct advantage, one which grew steadily at that state legislative level in the latter decades of the 20th century.³⁹ Second, legislative turnover decreased, meaning that incumbents were staying in office in longer. This trend, however, began to reverse itself in 1990s, a period in which many U.S. states enacted term limits on incumbents, which enforced turnover through statutory means.⁴⁰ More important is the effect that legislative professionalism has on electoral competition. Scholars vary in the measures they use for legislative professionalism, with some employing the Squire index, and others examining the individual elements of it—days in session, salary, and staffing—separately. To this should be added a fourth element: the state's overall budget for legislative operations. States with larger legislative budgets have greater capacity to shape outcomes, both legislative and electoral.

Here there can be little doubt that professional legislatures enhance the incumbent advantage, making elections involving incumbents less competitive. One might assume that elections in professionalized legislatures might be more competitive given that, in theory, the prize to be gained is more valuable, enticing more and stronger candidates into legislative

elections. The flaw in this assumption is that what is true for nonincumbents, is also true for incumbents, who work hard to hold onto their seats.

Staffing levels, rather than salary paid to legislators, enhance the sophomore surge. Staffing gives incumbents a greater ability to do their jobs representing constituents, which is rewarded by voters.⁴¹ Legislative budgets increase the incumbency advantage,⁴² although this effect is greater in single-member districts, compared to multi-member districts.⁴³ Of particular importance is the amount of legislative resources devoted to increasing an incumbent’s ability to provide constituency services.⁴⁴ Others, however, have found that salary is a main driver of the incumbent advantage.⁴⁵ More professionalized legislatures not only enhance the incumbent advantage, they do so by creating conditions that insulate incumbents of both major parties from external forces such as shifting political tides or economic conditions, and/or a weak performance in a previous election.⁴⁶

In general, more professionalized legislatures tend to have less turnover and therefore more stable memberships.⁴⁷ Legislative salaries may be more important for turnover than either staffing or days in session.⁴⁸ Another way of examining legislative turnover is by classifying legislatures as either “career,” meaning that legislative salaries are generous, but opportunities for political advancement (to higher office) are weak; “springboard,” meaning that legislative salaries are adequate, but opportunities for advancement are strong; and “dead-end,” meaning that legislative salaries are low and opportunities for advancement are weak.⁴⁹ (These categories do not correlate perfectly with professionalism, although the concepts are related.) According to this framework, membership stability is lowest in springboard legislatures and greatest in career and dead-end legislatures. Unlike spring-board legislatures, dead-end legislatures provide little in the way of resources or advancement opportunities, and thus tend to be run by a small group of longer-serving members, and career legislatures provide enough salary and other resources to make it worthwhile for someone to have a long career in a state with few advancement opportunities.

Table 10: Professionalism and Incumbent Advantage

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Jewell and Breaux (1988)	Professionalism	Lower incumbent margins of victory, 1968-1986
Squire (1988)	Salary; advancement opportunities	Increases membership stability; reduces membership stability
Holbrook and Tidmarch (1991)	Staff; salaries	Sophomore surge greater in legislatures with more staff; higher salaries attracts stronger challengers thus salaries depress effects
King (1991)	District staff spending	Increases incumbent advantage

Weber, Tucker and Brace (1991)	Legislative operating budget	Increases incumbent vote margins
Cox and Morgenstern (1993) (1995)	Legislative operating budget, casework	Increased incumbent advantage
Shan and Stonecash (1994)	Legislative operating budget	Increase incumbent advantage
Berry, Berkman and Schneiderman (2000)	Legislative operating budget	Insulate incumbent from external political and economic trends
Carey, Niemi and Powell (2000)	Salary	Increases incumbent probability of victory
Moncrief, Niemi and Powell (2004)	Professionalism	Less incumbent turnover

Electoral Competition and Campaign Finance

Incumbents are more likely to face challengers in states where members earn higher salaries for their service,⁵⁰ but they are no less likely to be defeated. Salary paid to legislators is a key factor in motivating candidacies, but days in session has no effect.⁵¹ That incumbents in professionalized legislatures are no less likely to be defeated than those in less professionalized bodies is because incumbents face weaker challengers,⁵² whose ability to make elections more competitive through vigorous campaign spending is severely compromised by their challenger status.⁵³ Research does indicate, though, that legislative professionalism enhances the quality of challengers' campaigns when such candidates can afford these services.⁵⁴ Thus, to the advantages that accrue to incumbents as a result of office-holding are electoral advantages that work to stymie the effectiveness of those who seek to unseat them.

Contestation, rather than vigorous competition, may also characterize open seat elections in states with professionalized legislatures.⁵⁵ State legislative professionalism, however, increases competition in open seat primary elections.⁵⁶ State legislative professionalism has no effect on the length of gubernatorial coattails, or the ability of successful gubernatorial candidates to influence the elections of legislative candidates from their own party.⁵⁷ This suggests that partisan trends in years when governorships are also at stake are not weakened by professionalism.

State legislative professionalism has also been studied for its effect on campaign finance. Campaign spending and contributions are important topics because of their influence in elections, but also because of their effect on representation and policy. In general, although campaign spending has a significant effect on election outcomes,⁵⁸ its importance varies across states and districts because of differences in legislative professionalism, the nature of legislative

districts, the number of people who serve in the legislature, district population density, and the role of legislative and party leaders, among other factors.

Campaigns for more professionalized legislatures are more expensive relative to those for less professionalized legislatures because a greater number of interest groups get involved in making direct contributions to candidates.⁵⁹ One study suggests that professionalism’s effect on campaign spending is only in general elections, not primary contests, because interest groups are less involved in these intra-party contests.⁶⁰ Other research shows that professionalism does not affect campaign spending in general because its effects are different for different kinds of candidates—positive for incumbents, and negative for both challengers and open seat candidates.⁶¹ This is not to suggest that candidates benefit equally from the spending they engage in. Indeed, one of the most consistent findings in research on elections is that incumbents benefit least from greater expenditures, while challengers and candidates for open seats benefit most.⁶² Incumbents can scare off challengers with large campaign war chests, though these effects are weaker in more professionalized legislatures.⁶³

Table 11: Professionalism, Electoral Competition and Campaign Finance

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Moncrief (1998)	Professionalism	Increased interest group spending
Hogan (1999)	Professionalism	Increased spending in general elections, not primaries
Hogan (2000)	Professionalism	Minimal effect on campaign spending in general because professionalism’s effects on different types of candidates cancel out
Squire (2000)	Salary	Increases likelihood of challengers
Hogan (2001)	Professionalism	Reduces incumbents’ ability to scare-off challengers by building war-chests
Abbe and Herrnson (2003)	Professionalism	Increases the professionalism of challenger campaigns
Hogan (2003)	Professionalism	Weaker incumbent challengers
Hogan (2003B)	Professionalism	Increases competition in open seats primary elections
Hogan (2004)	Professionalism	Reduces incumbent challenger spending
Hogan (2005)	Professionalism	No effect on gubernatorial coattails
Hogan (2005B)	Professionalism	Increased interest group spending

Rosenson (2006)	Salary; days in session	Salary has positive effect on decisions to run; days in session has no effect
Hogan (2008)	Professionalism	Incumbent challenger spending is low
Hoffman and Lyons (2014)	Professionalism	Increases likelihood of incumbent challengers

Party Advantage

Professionalized legislatures were also thought to lead to the election of more Democrats. Because Republicans were more likely to come from the private sector, with more prestigious and lucrative careers, they would be giving up more to serve in professionalized legislatures than Democrats, who tend to come more from careers in lower paid occupations in the government or non-profit sectors. States with professionalized legislatures were also thought to be prone to divided government, with Democrats controlling the legislature and Republicans frequently controlling governorships.⁶⁴ Additional evidence, accounting more accurately for partisan voting trends, on the one hand, and the difference between professionalized versus *professionalizing* legislatures on the other, showed no such advantage for Democrats in professional legislatures or Republicans in gubernatorial elections.⁶⁵

Table 12: Professionalism and Party Advantage

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Fiorina (1994)	Professionalism; salary	More Democrats elected; more divided government with GOP governors
Stonecash and Agathangelou (1997)	Professionalism; annual session and salary	No effect on Democrats elected to the legislature
Squire (1997)	Professionalism	Weak evidence that professionalism produces divided government with Democrats controlling legislature and GOP controlling governorships

Legislators/Candidates

It is important to consider who serves and why, and how professionalism affects how legislators balance their careers and legislative commitments as these have direct effects on legislative life and the interests that get represented in the governing process. Although this research is less developed than that for the incumbent advantage and legislative competition, a number of key insights have been generated.

Professionalism affects the mix of occupational backgrounds among those who run for the legislature. Theoretical models of candidate quality suggest that paying politicians simply creates greater material incentives for well-paid professionals to leave the private sector.⁶⁶ More empirical research indicates that legislative salary has a negative effect on the number of attorneys who run for the legislature, but only a minor, albeit negative, effect on the number of businesspeople who run.⁶⁷ Days in session is not related to the number of attorneys who emerge as candidates. And like salary, session length has only a minor negative effect on the number of businesspeople who run for legislative office.⁶⁸ Paying elected officials may also alter the recruitment efforts of political parties and interest groups, causing them to look for candidates in highly paid professional occupations.⁶⁹

Although legislators in professionalized legislatures are significantly more concerned with reelection than those in less professionalized legislatures,⁷⁰ professional legislatures also attract more people with what scholars call progressive political ambition, or the desire to use one office to seek another, higher office.⁷¹ Progressively oriented legislators are thought to have greater incentives than those who are less progressively oriented to carefully monitor and accurately assess the policy needs of constituents, enhancing the quality of representation they receive.⁷² Once elected, salary is negatively related to whether legislators have outside careers, while session length has no effect.⁷³ Higher legislative salaries, however, may decrease the average quality of the individuals who enter politics and who make a career of it, as indicated by private sector career opportunities.⁷⁴ Professionalism, especially as indicated by salary, also influences the job perceptions of those who serve. The amount of compensation, but not days in session or legislative staff, is linked to perceptions among legislators that they spend more time and give more effort to legislative work relative their counterparts in less professionalized legislatures.⁷⁵

Table 13: Professionalism and Legislators/Candidates

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Pound (1992)	Professionalism	Increases reelection focus
Osborne and Slivinski (1996)	Salary	Entices well-paid professionals to leave private sector for public service
Moncrief, Thompson and Kurtz (1996)	Professionalism	Increases reelection focus
Besley and Coates (1997)	Salary	Entices well-paid professionals to leave private sector for public service
Rosenthal (1998)	Professionalism	Increases reelection focus
Maestas (2000)	Professionalism	Attract candidates with progressive ambition and

		incentives to carefully assess policy concerns of voters
Besley (2004)	Salary	Entices well-paid professionals to leave private sector for public service
Maddox (2004)	Salary; days in session	Salary has negative effect on whether legislators have outside careers; days in session not significant
Kurtz, Moncrief, Niemi and Powell (2006)	Salary; staff; days in session	Perception of time on job affected by salary, but not staff or days in session
Rosenson (2006)	Salary; days in session	Higher salary reduces the number of attorneys who run, while days in session have no effect; less consistent effects of both variables on number of businesspeople who run
Sanbonmatsu (2006)	Salary	Party leaders more likely to recruit candidates from highly paid professional occupations
Mattozzi and Merlo (2008)	Salary	Results in lower quality legislators as people “live off” politics as opposed to “living for politics”

Legislatures

In this section we cover the effect that legislative professionalism has on lawmaking, bargaining, executive oversight, interest groups and political reform, leadership, and legislative norms.

Lawmaking

At its core, state legislative professionalism denotes a high level of capacity to engage in lawmaking. “This involves the extent to which the legislature can command the full attention of its members, providing them with adequate resources to do their jobs in a manner comparable to other full-time political actors, and setting up organizations and procedures that facilitate lawmaking.”⁷⁶

On this point, it is clear that more professionalized legislatures are more effective lawmaking bodies. Legislatures that pay higher salaries write more detailed legislation that allows them to, for example, more effectively control state bureaucracies, especially when the

legislature is controlled by one party and the governorship controlled by another.⁷⁷ They have a greater capacity than less professionalized legislatures to craft highly complex legislation in response to technical policy issues (e.g. energy regulation).⁷⁸ They are also more innovative than their less professionalized counterparts, and less prone to imitate the legislative choices of neighboring or similar states.⁷⁹ Whether committees—the information workhorses of legislatures—are more powerful in professionalized legislatures is debatable.⁸⁰

Professionalized legislatures are more productive, passing more bills, and witnessing a lower incidents of missed roll call votes.⁸¹ Roll-call voting is important to study because it is one of the most definitive expressions of how one represents his or her constituents, and if one is absent, that means constituent interests are not being represented. The incidence of missed roll call votes could relate to time constraints, strategic considerations, or both. Research shows that while salary has no effect on non-voting, days in session, because it constrains the ability of legislators to earn outside income, substantially reduces the incidence of non-voting. The information gathering capacity of the legislature, another indicator of professionalism, produces more strategic non-voting as members can more accurately assess the political implications of particular roll call votes.⁸² Some research indicates that participation through roll-call voting is greater in more professionalized legislatures, but that this may be affected negatively by term limits.⁸³

The outcomes of roll call votes are also more coherent and predictable in professionalized legislatures than in less professionalized ones, meaning that from one bill to the next, the successful coalitions that form are less idiosyncratic, and are more unified in terms of political party.⁸⁴ Professionalism, measured as salary, however, produces more district-specific legislation, as opposed to bills with statewide coverage,⁸⁵ as legislators use their lawmaking power to solidify connections to their constituents.

Bargaining

A key part of lawmaking is bargaining with governors, who in general have become more powerful over time.⁸⁶

More professionalized legislatures can bargain more effectively with governors in the legislative process. Days in session is a particularly important factor. Longer sessions mean that legislators have more time to craft responses to executive proposals and signals, to plan strategy, and to use the timeline of the legislative session to negotiate better deals for their constituents. Shorter sessions lead to less effective bargaining as part-time legislators anxious to return home to their regular careers weigh the costs and benefits of continued negotiations with governors who are unaffected by such concerns.⁸⁷ Enhancing the capacity of the legislature relative to the governor should not be viewed as a zero-sum game, however. Governors are better able to forge compromises with high capacity legislatures.⁸⁸

Table 14: Professionalism and Lawmaking / Bargaining

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Mooney (1994)	Professionalism	Enhances lawmaking capacity
Dilger, Krause and Moffett (1995)	Professionalism	Negotiations with governors more successful
Huber, Shipan and Phaler (2001)	Salary	Write more detailed legislation to control the executive, especially during divided government
Ka and Teske (2002)	Professionalism	Write more technical legislation
Kousser (2005)	Professionalism	May increase committee power
Wright (2007)	Professionalism	Reduces missed votes, but this is negatively affected by term limits
Richman (2008)	Professionalism	May reduce committee power
Kousser and Phillips (2009)	Days in session	More effective bargaining with governors
Gamm and Kousser (2010)	Salary	More district-based legislation
Carroll and Eichorst (2013)	Professionalism	More coherent party-based coalitions on floor votes
Hoffman and Lyons (2014)	Professionalism	Legislatures are more productive and there are fewer missed votes
Fortunato and Provens (2017)	Salary, greater informational resources	Reduces non-voting
Jansa, Hansen and Gray (2019)	Professionalism	Leads to policy innovation

Executive Oversight

A major function of legislatures is oversight of the executive branch. While legislators write the laws, executive branch agencies implement them. In theory, legislators and their constituents have a concrete interest in seeing that executives implement the law in ways preferred by the legislative branch. In this area, the influence of legislative professionalism is more complex and less clear than in the lawmaking or, as we discuss below, representational realms.

Legislatures with larger staff capacity are better able to oversee executive branch agencies compared to ones with smaller staff capacity. At the individual level, legislators with larger staffs are more inclined to engage in agency oversight.⁸⁹ Staff capacity is positively linked to so-called “fire alarm” procedures, which are legislative requirements that agencies report rule changes to affected interest groups. When concerns are noted by interest groups, staff or legislators, the metaphorical fire alarm sounds, which then allows legislators to aid groups whose interests are threatened. Staffing levels, though, have no effect on requirements that agencies produce risk, economic impact, or cost benefit analyses in conjunction with proposed rule changes.⁹⁰

Although professionalism generally enhances the capacity of legislatures to oversee the executive branch, careerism associated with professionalism tends to undermine it. Oversight is difficult, and with little political payoff except perhaps in cases of administrative failures that generate substantial media coverage, career legislators may forswear it in favor of other more politically beneficial activities. The net effect of professionalism therefore may be little in the way of effective bureaucratic oversight.⁹¹

Other research on nursing home inspections, however, shows that the agencies charged with issuing citations are likely to issue more if they are in a state with a professionalized legislature. One important caveat is that this effect is only in conjunction with Democratic legislative majorities, meaning that the combination of activist Democratic legislators with the greater oversight capacity afforded by professional legislatures, leads to more aggressive oversight of nursing homes.⁹² Despite its conditional influence on nursing home inspections, neither days in session nor staffing affect executive branch implementation of performance measures, which suggests that less professionalized legislatures may do a better job getting executive agencies to follow their directions.⁹³

Interest Groups and Political Reform

In addition to enhancing the lawmaking independence of legislatures, legislators and the public they serve may also desire greater independence from interest groups. Organized interests and their lobbyists play a powerful role in American politics. Their influence is particularly evident at the state level. The type of interest groups system (i.e., the range and diversity of interests) in any given state will vary based on the nature and complexity of a state’s economy.⁹⁴ The power of that system, or the degree to which interests groups influence legislatures, varies according to a number of factors, one of which is legislative professionalism. In theory, less professionalized legislatures have a harder time generating information relevant to legislation, which is often provided by interest groups and their lobbyists.⁹⁵ As legislatures professionalize, their capacity grows, and they become less reliant on interest groups.⁹⁶

Legislatures can influence interest group systems by passing political reform measures that more tightly regulate lobbying activities and/or the ability of groups to finance campaigns. Legislators, however, may have little incentive to regulate interest groups and their lobbyists, as they benefit from the information that lobbyists provide during the legislative process. Lobbyists and the interests they represent can be instrumental in creating the coalitions needed to pass legislation. Lobbyists and interest groups can also be instrumental in campaigns, providing the campaign

resources and/or campaign labor essential to securing reelection. Legislators, often poorly paid and overworked, may desire to work for an interest group or lobbying firm once their time in the legislature as elected officials has concluded, creating incentives for members not to treat interest groups too harshly.⁹⁷

At the same time interest groups and lobbyists can be a threat to the public interest, dominating legislative agendas in ways that drown out the perspectives of ordinary citizens. This possibility opens the door to regulation of interest groups in an effort to keep them from violating principles of fairness and equity, good governance, and to limit their ability to corrupt the process, or create the appearance of it.

Legislative actions designed to promote good governance reforms focus primarily on lobbying and campaign finance. Research indicates that more professionalized legislatures are more aggressive in their efforts to regulate the relationship between lobbyists and legislators than are less professionalized legislatures. A greater number of laws defining the meaning of lobbying, prohibiting certain practices, and requiring more extensive lobbying disclosure are more likely to be adopted by more professional legislatures.⁹⁸ According to one study, staff resources, as opposed to salary or days in session is largely responsible for this effect.⁹⁹ Other research confirmed this relationship, but also found a positive relationship for days in session.¹⁰⁰

Scholars have also examined the effect of legislative professionalism on the stringency of campaign finance laws. Professional legislatures have stricter limits on corporate and labor contributions, possibly because the sources of campaign donations in these states is more varied than it might be in less professionalized states.¹⁰¹ Other models show a strong positive relationship between legislative professionalism and the severity of campaign finance regulations, including reporting requirements, public financing, expenditure and contribution limits.¹⁰² And while political scandal and other states' decisions influence the adoption of state ethics commissions, more professionalized legislatures, as indicated by salary, are more likely to adopt this good government reform.¹⁰³ Paying legislators more does not reduce the incidence of corruption, however.¹⁰⁴

Table 15: Professionalism, Oversight and Interest Groups/ Political Reform

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Opheim (1991)	Staff	More regulation of interest groups and lobbying; salary and days in session have no effect
Potoski (1999)	Staff	Linked to legal “fire alarm” requirements; no effect on bureaucratic performance
Berkman (2001)	Professionalism	Less reliance on interest groups and lobbyists
Nownes (2001)	Professionalism	Greater capacity to produce information relevant to lawmaking

Pippen, Bowler and Donovan (2002)	Professionalism	More stringent limits on corporate and labor contributions
Rosenson (2003)	Salary	Good government reforms (e.g., ethics commissions)
Woods and Baranowski (2006)	Institutional resources; careerism	Greater legislative influence over executive agencies; careerism negatively affects oversight
Witko (2007)	Professionalism	More stringent campaign finance regulations
Bourdeaux and Chikito (2008)	Days in session; staffing	Negative effect on executive agency performance
Poggione and Reenock (2009)	Legislative staff; personal staff	More effective executive oversight; legislators more inclined to engage in oversight
Ozymy (2013)	Days in session	More laws regulating lobbying and lobbyists
Hoffman and Lyons (2014)	Salary	Does not reduce corruption
Boehmke and Shipan (2015)	Professionalism plus Democratic majorities	More aggressive policy enforcement in nursing homes

Legislative Leadership

The leadership structure of state legislatures across the 50 states is largely comparable. Lower chambers, usually called a house of representatives, but in some places called an assembly, have speakers, and majority and minority party leaders. Speakers are usually members of the majority party, but depending on political and ideological factors when they are chosen, may not be. In state senates, there is usually a president, or a president pro-tempore, or majority leader.¹⁰⁵

Legislative professionalism influences the nature of leadership, as opposed to its structure. Two views on the link between professionalism and leadership have been debated. One suggests that professionalism produces weak leadership structures as the more ambitious legislators attracted to these bodies in the first place focus their attention on their district constituencies as opposed to crafting legislation. For members of more professionalized legislatures the electoral payoffs for legislative service rest in the area of constituency service and position-taking as opposed to the more time-consuming and difficult task of creating policy agendas and building coalitions to support them. According to this logic, leaders should be stronger in *less* professionalized legislatures populated by people whose overriding goal is not reelection.¹⁰⁶

This view, however, assumes that achieving a party's legislative goals is not in the reelection interests of legislators. An alternative view argues that legislators in more professionalized bodies have greater incentives to empower their leaders to secure policy gains that members can use in their reelection efforts. In addition to policy gains that leaders might use to advantage rank and file members, stronger leaders control resources that can help their most electorally vulnerable members secure reelection, e.g., committee assignments, campaign donations, staff resources, and favorable scheduling of votes.¹⁰⁷ According to this view, the partisan political incentives of individual legislators causes them to empower leaders to produce party gains that, in turn, benefit individual members' reelection chances.

A related view suggests that leadership power is affected by the financial incentives (e.g., salary) and political advancement opportunities provided in each state. According to the framework of career, springboard and dead-end legislatures noted above, leaders should be strongest in career and dead-end legislatures, and weakest in springboard. This is so because the incentives for members to delegate power to leaders are strongest in career and dead-end legislatures, and weakest in springboard, which places a premium on individual political entrepreneurship.¹⁰⁸ Leaders also have longer tenures in legislatures that are more professionalized.¹⁰⁹

Does legislative professionalism influence the incidence of female leaders in state legislatures? Probably not. On the one hand, female legislative leaders are more likely to be chosen in states with highly urbanized populations, which is a predictor of legislative professionalism. But, women leaders are also likely to have more opportunities to rise in leadership ranks in states where there is a high degree of legislative turnover, which is characteristic of less professionalized states.¹¹⁰ In general, men and women pursue different routes to leadership, and their success is mostly unaffected the type of legislature they serve in.¹¹¹

Legislative Norms

Legislative norms play a key role in structuring legislative life and engagement among legislators. Often informal, norms of behavior shape legislators' expectations about the legislative process, and can directly affect the quality of one's experience in the legislature itself. From seniority systems to how legislators address one another during legislative sessions, norms structure the work of legislatures in ways that allow legislators to get their work done, and to avoid the pitfalls of working in highly contentious environments.

Research indicates that highly professionalized legislatures are more congenial, less prone to "hard-ball" politics.¹¹² Because their memberships are more stable than those in legislatures that are less professionalized, members of professionalized legislatures have more incentives to get along, to uphold notions of professional courtesy and respect, even in the face of considerable partisan disagreement and, perhaps, intense personal animosity. This is less likely to be the case in less professionalized legislatures where turnover is more variable. Frequent interactions among a stable group of individuals creates a more positive, and less contentious political atmosphere, since today's interaction is likely to influence tomorrow's.

Putting reelection first is a more powerful norm in more professionalized legislatures. Because professional legislatures are more difficult to enter (i.e. there are fewer opportunities given stable

memberships; incumbents have more advantages), the reelection motivation is afforded greater priority among legislators in these kinds of settings.¹¹³ Not unlike the U.S. Congress,¹¹⁴ it is at the core of what drives behavior and decision-making in professional legislatures.

Table 16: Professionalism, Leadership and Norms

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Squire (1988)	“Career”/ “dead-end” legislatures	Stronger leadership
Clucas (1995)	Professionalism	Stronger leadership
Reingold (1996)	Professionalism	Less “hard-ball” politics
Thompson, Kurtz and Moncrief (1996)	Professionalism	Stronger reelection motive
Moncrief, Thompson, and Kurtz (1996)	Professionalism	Weaker leadership
Deen and Little (1999)	Professionalism	Reduces female leadership opportunities
Ellickson and Whistler (2000)	Professionalism	No effect on female leadership opportunities
Kousser (2005)	Professionalism	Longer leadership tenure
Clucas (2007)	Professionalism	Stronger leadership

Representation

Political scientists conceptualize representation primarily from two angles. One is descriptive representation, while the other is substantive. Descriptive representation asks a simple question: To what degree do the members of a legislature, in the aggregate, look like or mirror the population they serve, in terms of demographic variables like race/ethnicity, income, education, or occupation? Substantive representation asks a more subtle and complex question, which is whether the policies adopted by the legislature represent the preferences of the people as a whole.

Descriptive Representation

Descriptive representation is important to consider because a greater diversity of opinions and life experiences brought to bear on decision-making is thought to produce better outcomes. Representation of women in state legislatures has garnered significant scholarly attention.¹¹⁵ Early research into the descriptive representation of women in state legislatures leads to the clear

conclusion that women are underrepresented in professional legislatures.¹¹⁶ Days in session negatively affects the presence of Democratic women in legislatures, but salary has no effect on the presence of women.¹¹⁷ Party leaders in professionalized legislatures are more likely to think that men have an electoral advantage over women, but more professionalized legislatures, more specifically ones with longer sessions, have more resources to gauge the electoral prospects of female legislators, which can then be used to their advantage. So, while it is clear that women are less likely to be represented in professionalized legislatures, these same legislatures have resource advantages that can be used to aid female candidates, especially incumbents.¹¹⁸ Underrepresentation of women in state legislatures may be changing, however. Recent research shows that legislative professionalism has little to no effect on the presence of women legislators overall.¹¹⁹

Professionalized legislatures create a more conducive environment for women elected officials to work on issues relevant to women.¹²⁰ But research on how well women fit in less personalized, more information-oriented environments is mixed. Some research indicates that these settings advantage female lawmakers because they are less likely to be controlled by male-dominated networks and modes of operating.¹²¹ Other work, however, indicates that the more male-dominated professionalized legislatures make legislative life especially difficult for women.¹²² Demands of legislative life are different for women, too. For example, women legislators receive more requests for constituency casework than their male counterparts, especially when resources such as legislative staff are more plentiful.¹²³

There has been less research on the representation of racial and ethnic minorities in state legislatures. What work that has been done suggests that professionalism increases the presence of African American legislators.¹²⁴ The interaction between the percentage of Latinos in a state's population and legislative professionalization reduces the number of Latinos who serve in the legislature.¹²⁵ In other words, professionalism's effect on Latino representation is particularly pronounced in states with large Latino populations. Professionalism has a negative effect on the descriptive representation of white female legislators, but no effect on the representation of women of color.¹²⁶ Professionalism, though, has a strong and positive effect on the representation of black women.¹²⁷

A third dimension that has garnered attention from scholars is the link between professionalism and a legislature's occupational diversity. Professionalism lowers the occupational diversity of legislatures as officeholders identify more as full-time legislators, and as they distance themselves from their previous careers.¹²⁸ Professionalism, and salary especially, increases the distance between the kinds of industry groups in a state and the occupational composition of the legislature.¹²⁹ Citizen legislatures attract those whose livelihoods are not connected to the marketplace per se (students, homemakers, and retirees), and other individuals like real estate and insurance agents, who can set their own schedules and who won't be fired for taking long-periods away from the job as they execute their legislative duties.¹³⁰ There was some expectation that professionalism would increase representation of those from blue-collar occupations, but this has not been the case, as the greater salary offered by professional legislatures makes the job *more* attractive to those from high prestige/high salary occupations.¹³¹

Table 17: Professionalism and Descriptive Representation

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Diamond (1977)	Professionalism	Less descriptive representation of women
Rule (1981)	Professionalism	Less descriptive representation of women
Nechmias (1987)	Professionalism	Less descriptive representation of women
Carrol and Taylor (1989)	Professionalism	Generally, creates more conducive environment for women legislators
Blair and Stanley (1991)	Professionalism	Less likely to produce “good old boy” networks
Squire (1992)	Professionalism	Less descriptive representation of women; more descriptive representation of African Americans; reduces occupational diversity in favor of high prestige occupations
Richardson and Freeman (1995)	Staff	Women receive more requests for constituent service than men
Norrander and Wilcox (1998)	Professionalism	Less descriptive representation of women
Rosenthal (1997, 1998)	Professionalism	Male dominated work environment that harms women’s roles
Hogan (2001)	Professionalism	Small, negative effect on descriptive representation of women
Sanbonmatsu (2002)	Days in Session; salary	Negatively affects the presence of Democratic women, but effect isn’t strong; salary does not affect the presence of women from either party
Sanbonmatsu (2006)	Professionalism; days in session	Party leaders think men have electoral advantages, but this is less likely in legislatures with longer sessions

Cassellas (2009)	Professionalism plus Latino population size	Less descriptive representation for Latinos
Battista (2013)	Salary	Representation of state's occupations decreases
Scola (2013)	Professionalism	Less descriptive representation of women; no effect on women of color
Reingold, Haynie and Bratton (2014)	Professionalism	Descriptive representation of white women is lower; descriptive representation of African American women is greater; no effect on Latinas; no effect of citizen legislature on representation of women
Carnes and Hansen (2016)	Salary	Reduces blue-collar representation because service more attractive to high salary occupations

Substantive Representation

Unlike descriptive representation, substantive representation attempts to assess the degree to which the policy choices of government truly reflect the will of the people. In other words, if you had perfect information about the policy preferences of a state's population, would the choices of state government reflect this in a meaningful way?

In general, state governments get high marks for reflecting the will of their residents in the policy process. States with more ideologically conservative residents tend to get more conservative policies, while states with more ideologically liberal residents tend to get more liberal policies.¹³²

But what precisely is the role of legislature in producing these substantive policy benefits? According to Jeffrey Lax and Justin Phillips, a state might be considered responsive if there is a correlation between public opinion on the issues (e.g., abortion, education, electoral reform, gaming, gay and lesbian rights, health care, immigration) and the policy choices of state government. But responsiveness is not the only consideration.¹³³ In addition to responsiveness is the question of congruence, or the fit between opinion and policy responsiveness. In other words, it matters if policy responsiveness is 80 percent accurate versus 40 percent accurate. Lax and Phillips's research shows that state policy congruence is enhanced significantly by legislative professionalization, with the key mechanism being days in session, as opposed to salary or staff.¹³⁴ Professionalized legislatures are quicker to respond to the preferences of their constituents than less professionalized legislatures.¹³⁵ This also supports expectations derived from work showing that the resources provided by professional legislatures enhance

progressively-minded legislators’ ability to monitor public opinion and to act on their constituent’s policy needs.¹³⁶

Other research indicates a third mechanism for state legislative policy responsiveness, namely the decisions of local officials. Charles Shipan and Craig Volden, for example, showed that more professionalized legislatures were more likely than less professionalized ones to adopt statewide anti-smoking statutes as the number of local ordinances grew to cover an increasing share of a state’s population.¹³⁷ Although the mechanism in this study is slightly different—local elected officials’ policy actions versus the policy views of state residents—the idea is largely similar, namely, that more professionalized legislatures are better able to deliver substantive policy representation to state residents than less professionalized ones.

Table 18: Professionalism and Substantive Representation

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Maestas (2003)	Professionalism	Enhances legislators’ focus on representing constituency interests
Shipan and Volden (2006)	Professionalism	State policy more likely to respond to local policy choices
Lax and Phillips (2012)	Days in session, staff, salary	Days in session increases policy representation (congruence); staff and salary have no effect
Pacheco (2012)	Professionalism	More responsive to constituents on anti-smoking policies

Policy

Government Spending

Scholars have argued that legislative professionalism leads to greater state spending relative to states with less professionalized legislatures.¹³⁸ Others, though, suggest professionalism follows greater state spending.¹³⁹ Regardless, growth in government formed the foundation of efforts to de-professionalize state legislatures in the 1990s, through such mechanisms as term limits.¹⁴⁰

Legislative professionalism has, however, been linked to particular types of spending. In general, because of their narrower constituencies, legislators should favor tangible, place-specific spending on items such as economic development. By contrast, governors should favor greater redistributive or welfare spending relative to economic development, because such spending benefits statewide constituencies. Research shows this difference in priorities; as salary increases, the ratio of development to redistributive spending increases as well.¹⁴¹ Legislative professionalism is also positively linked to higher education spending in states.¹⁴²

Table 19: Professionalism and Government Spending

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Owings and Borck (2000)	Professionalism; more spending	more spending; greater efforts by public to de-professionalize the legislature
Barrilleaux and Berkman (2003)	Salary	Increases ratio of economic development to redistributive spending
McLendon, Hearn and Mohker (2004)	Professionalism	Greater higher education spending
Malhotra (2006, 2008)	professionalism	Does not produce greater spending; rather greater spending is cause of professionalism

Public Approval

The vast majority of state legislatures in the U.S. have increased their level of professionalization over the past 50 years. Most meet annually, and for longer periods of time, and most provide some form of payment to legislators for their service. The budgets for legislatures have grown, and legislative staffs increased for a number of years, before leveling off.¹⁴³ They are more inclusive of women and minorities than at any time in U.S. history,¹⁴⁴ and the public has more interaction with the people who serve in them.¹⁴⁵

Despite these developments, early research suggested that state legislatures were generally held in low regard by the public, a condition that was especially true for professionalized legislatures. Not only did the public pay less attention to these types of legislatures, they were far more likely to be viewed negatively than less professionalized ones.¹⁴⁶ More recent scholarship, however, suggests that the negative public approval of professionalized legislatures resulted from a failure to account for the ideology of survey respondents. When properly accounted for, the negative effect of professionalization disappears. Liberals want more from government, therefore they are more supportive of professional legislatures, whereas conservatives want less, and so are less supportive. Moderates fall in-between these two extremes in their approval of professionalized state legislatures.¹⁴⁷

Table 20: Professionalism and Public Approval

<u>Author (Year)</u>	<u>Cause(s)/Focus</u>	<u>Effect(s)</u>
Squire (1993)	Professionalism	Public pays less attention to, but public has more contact with professionalized legislatures; Decreases public approval
Kelleher and Wolak (2007)	Professionalism	Decreases public approval
Richardson, Konisky and Milyo (2012)	Professionalism	In general, has no effect on the public's approval of the legislature; there's a positive effect on individual approval as one moves from conservative to moderate to liberal

CONCLUSION AND RECOMMENDATIONS

This report has focused on the meaning of state legislative professionalism and the effects it has in a range of critical areas. Although the main era of state legislative professionalism (1960 to 1990) has long since passed, the effects of legislative professionalism endure. States seeking to enhance one or more elements of professionalism by, for example, increasing staff or the amount of time spent in session, or by paying legislators more for their service, have an extensive research base upon which to ground such decisions. We have endeavored here to present the nuances associated with the meaning of professionalism and to share insights on the effects of professionalism gleaned from research conducted over the past 50 years.

The following quotation from Jansa, Hansen and Gray sums up our view about legislative professionalism and some of the key downsides to a *lack* of it.¹⁴⁸

“Independent policymaking capacity is necessary for a legislature to be insulated from undue influence of outside sources and to effectively represent their citizens in the policy process.¹⁴⁹ While legislatures with more funding for staff have a greater ability to research, deliberate, and innovate when creating policy solutions for difficult social and economic problems, legislatures that have reduced or restrained staff expenditures are more likely to depend on the innovations formulated in other states, and for other citizens, in different circumstances. Yet, additional spending on legislative institutions is unlikely to be met with popular support, with trust in government at all-time lows and state budgets already strained. Nonetheless, it remains important to understand that diminishing spending on legislatures and their staffs has consequences for their ability to fully function as independent democratic institutions.”¹⁵⁰

The independence of the legislature from outside forces such as the executive branch and interest groups and their lobbyists, is key to representative government, and greater professionalization is perhaps the only way to get there. This is not to say that governors and interest groups will not influence the legislature; to suggest that outcome would be unwarranted

in the extreme. It is also not to say that amateur legislatures always lack an ability to represent the policy needs of their constituents. It is to say, however, that greater professionalization will help to insulate the legislature from these outside forces and better equip it to speak with its own voice in policy matters.

To be certain, this is not like flipping a switch, whether that switch be greater salary, more days in session, or more professional staff. One, a combination, or all three could be selected, and any one of these would have an effect on the capacity of the legislature to act as an independent body.

Based on the research reviewed above, we feel confident in saying that greater legislative professionalism produces:

- ✓ Greater incumbency advantage in elections, but more contested elections as more would-be challengers make the effort to contest incumbents even when their odds of victory remain low.
- ✓ Less membership turnover and thus more stable memberships.
- ✓ More sophisticated and expensive campaigns for office.
- ✓ Less incumbent electoral vulnerability to political and economic shifts, especially those related to the popularity of governors.
- ✓ An increase in the number of progressively ambitious candidates, ones who will more carefully monitor their constituents needs and who will endeavor to represent them accurately in order climb the political ladder.
- ✓ An increase in the effort that legislators put toward to being representatives.
- ✓ More effective and capable lawmaking.
- ✓ More effective bargaining with governors.
- ✓ More stable coalitions in roll-call votes as legislators turn more to party leaders to help their reelections by producing winning coalitions in support of party objectives.
- ✓ Stronger leaders.
- ✓ Greater ability to oversee executive branch agencies.
- ✓ Stronger regulations around lobbying and campaign finance.
- ✓ Members who are focused more on reelection than legislation.

- ✓ Lower levels of descriptive representation for women and Latinos, but greater levels of descriptive representation for African Americans, especially African American women.
- ✓ Greater substantive representation.

Our recommendations are the following:

1. Staffing: Increase the number of permanent legislative staff, especially staff connected to individual legislators as opposed to staff that might work for interim committees such as the Legislative Finance Committee or the other permanent, year-round policy committees. Most legislators in NM do not have dedicated staff; they only have access to staff during the legislative session and/or when their work outside the session puts them in contact with institutional staff members. **Additional staff support is the best way to increase legislative capacity.** Among other benefits, increasing professional staff and broadening their distribution in the legislature will mean **greater ability for the legislature to check executive agencies and governmental programs**, and for **individual legislators to build expertise on policy and to conduct constituency service vital to their districts.**
2. Salary: Work to provide a salary to legislators not because of its effects on the legislature, but because it is the fair thing to do. Legislative salary as an indicator of professionalism is linked to a number of important phenomena such as who runs, time spent on the job, legislative productivity and non-voting, district legislation, good government reforms, economic development, etc., but the overall effect of salary is probably not as important as staffing. The question here of course will be where that salary is set.
3. Days in Session: Days in session should be increased to enhance legislative capacity, especially in bargaining with the executive. Increasing session lengths will allow the legislature to become more involved in making policy, in shaping the budget, and running the government itself. As a result, the legislature will become a constant presence that cannot be ignored by the executive or anyone else.

NOTES

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² Christopher Z. Mooney, "Measuring U.S. State Legislative Professionalism: An Evaluation of Five Indices," *State & Local Government Review* 26: 2 (Spring 1994): 70-78, p. 70-71.

³ We would like to thank our student, Emily Hartshorn, who did some of the initial work for this project while serving as an intern in the New Mexico state legislature.

⁴ For trust in state government see <https://news.gallup.com/poll/243563/americans-trusting-local-state-government.aspx> (accessed April 20, 2020). For trust in the federal government see <https://news.gallup.com/poll/243563/americans-trusting-local-state-government.aspx> (accessed April 20, 2020). Overall trust in government was calculated by averaging international and domestic problems.

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⁹ The National Conference of State Legislatures offer a thoughtful tribute to Professor Rosenthal's legacy, here: <https://www.ncsl.org/research/about-state-legislatures/alan-rosenthal-wizard-of-democracy.aspx> (accessed July 11, 2020).

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²⁰ The original CCSL report contained a third indicator of capacity: *space*. Space was meant to denote the actual physical space where legislative business is conducted (e.g. floor sessions, committee hearings, individual meetings, etc.). While physical space undoubtedly contributes to the capacity of legislatures (and legislators) to do their work, the concept did not gain much traction in the academic literature, perhaps due to difficulties in measuring usable space.

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