Do Parties Matter? Explaining Legislative Productivity in the American States

William D. Hicks
Daniel A. Smith

University of Florida
Department of Political Science
234 Anderson Hall
University of Florida
Gainesville, FL 32611-7325

Contact: Daniel A. Smith
dasmith@ufl.edu

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What explains variations in legislative productivity? Why are some legislatures seemingly mired in gridlock whereas others are seen to be generating considerable policy output? Most research explaining legislative productivity in the American context delves into the historical dynamics of the U.S. Congress. Unfortunately, generalizing from this fruitful line of research is difficult, as the studies lack a standard measure of legislative productivity (Coleman 1999; Clinton and Lapinski 2006; Grant and Kelly 2008), and their empirical findings are largely at odds. What these studies have in common, though, is their confidence that Congressional productivity hinges on party control of government. Be it divided or unified, scholars have focused on the incidence of party control as the critical factor in determining legislative productivity. As such, the research contributes to the widely-held perception that political parties serve to overcome collective action problems that might otherwise impede legislative productivity (Schattschneider 1942; Aldrich 1995).

Yet, it remains difficult to ascertain the impact of party control on legislative productivity when drawing empirical conclusions from a single case (Congress) within a single institutional setting (American federal government), even when studying policy output (however measured) over time. When generalizing to other legislative bodies, it seems fair to ask whether so much weight should be placed on unified or divided party control. In other settings, might not institutional factors enhance or diminish legislative productivity? There is a strong awareness—especially among scholars of subnational American politics—that party control may be just one of many variables that contribute to both institutional change and policy outcomes across the states. In seeking to better understand the robustness of the impact of unified or divided party control on legislative productivity, we follow the lead of scholars who have taken advantage of the considerable amount of institutional variation existing across the American states (Francis 1989; Hill 1994; Aldrich and Battista 2002; Martorano 2004; Clucas 2007, 2009; Jenkins 2008; Wright 2007). Drawing on the 50-state comparative research design of these studies, and building upon the handful of studies that have examined legislative productivity in the American states at a particular time (Gray and Lowery 1995; Squire 1998; Bowling and Ferguson 2001) or

longitudinally (Rogers 2005), our aim is to isolate the independent effects of party control on legislative productivity by controlling for a host of other institutional factors. In short, our study uses a comparative perspective to shed light on the broader theoretical debate of whether legislative party control is a critical explanatory force when it comes to legislative productivity, and doing so, reassess whether other institutional factors may alleviate legislative collective action problems.

Our analysis proceeds as follows. We begin by reassessing the literature on the relationship between party control and legislative productivity as it relates to both Congress and the American states. We then theorize how other institutional factors might impact legislative productivity across the states, including majority party margins in state legislatures, legislative professionalism, legislative term limits, the threat of ballot initiatives, gubernatorial power, and the influence of interest groups. Then, drawing on an original pooled dataset spanning from 1991-2007, we offer cross-sectional time series models to assess the competing explanations for legislative productivity in the American states. Our findings suggest that although divided government ostensibly appears to be an integral determinant of legislative productivity in the American states, as Key (1956), Francis (1967) and numerous other scholars have long posited, when other factors are controlled for its impact becomes negligible. Instead of unified (or divided) party government, we find that several other institutional and political factors better predict legislative productivity across the states and over time. By expanding beyond existing Congressional and 50-state research on legislative productivity in the American states, our study casts considerable doubt on the impact of party control on legislative productivity. More importantly, due to the considerable variation across the American states, our study may help scholars isolate other institutional factors that may be critical in explaining legislative productivity.

Explaining Legislative Productivity in the American States

What causes legislative gridlock? Why are some legislatures more productive in general, or with respect to important matters in particular? Assessing Congress's "landmark enactments" and "high publicity investigations" between 1947 and 1990, Mayhew (1991, 2005) discovered that divided

government does not appear to diminish Congress' productivity of high-profile legislation. Research by other "revisionists" has lent theoretical and empirical support for Mayhew's counterintuitive findings (Jones, C., 1994; Jones, D., 2001; Fiorina 1996; Quirk and Nesmith 1995; Krehbiel 1996; Cameron, Howell, and Adler 1997; and Chiou and Rothenberg 2008). But numerous Congressional scholars have questioned these findings. Subsequent investigations, most notably those by Edwards, Barrett, and Peake (1997), Binder (1999, 2003), Coleman (1999), Howell, et al. (2000), and Dodd and Schraufnagel (2009), have found that unified party government tends to enhance legislative output.

Regardless of their research methods and measures, empirical findings, or normative concerns, Congressional scholars have privileged the impact of unified or divided party control when trying to understand fluctuations in legislative productivity. But to what extent does divided government affect legislative productivity once other institutional factors are taken into consideration? Why, and under what conditions, might other institutional factors matter? Above and beyond party control, might some institutional factors mitigate or enhance the effect of divided or unified party control of the legislature and/or the executive branch? Research gauging Congressional legislative productivity, of course, does control for several factors that may lead either to greater passage of bills or to more gridlock, such as budget deficits, early momentum in a presidential term, and public mood (Mayhew 1991), the effect of bicameralism and supermajoritarian or chamber-specific rules (Krehbiel 1996; Binder 2003), intraparty legislative factionalism (Coleman 1999), presidential power and rule changes (Dodd and Schrufnagel 2009), and mass ideological preferences and technological innovations (Grant and Kelly 2008). So, although they acknowledge and control for factors which may affect legislative productivity, these studies are inherently limited because they only study one legislative institution over time: Congress.

Taking advantage of the considerable institutional variation, legislative scholars studying the American states also have tried to assess the impact of party control on legislative productivity. Although this line of research is considerably less extensive than studies of Congressional legislative productivity, these scholars have taken advantage of the institutional variation across the 50 states to reassess the findings of Mayhew and his critics.

Examining the number of bill introductions, the number of bills enacted, and the percentage of bills enacted by state legislatures in 1990 and 1991, Gray and Lowery (1995) theorize that interest group populations might negatively affect legislative productivity at the state level, all else equal, as the overabundance of interest groups may thwart the ability to build durable winning coalitions. In addition to measuring unified or divided government, they control for a number of other institutional and political factors. They find that divided government has a slightly negative, albeit statistically insignificant, impact on legislative productivity across the states. In keeping with their theory, their principal finding is that the shear number of interest groups in a state reduces a legislature's ability to enact legislation, regardless of party control. In states with dense interest groups systems, winning coalitions are difficult to build; the more players there are, the less important each individual player is, and the more likely it is that there will be conflict amongst the players, leading to legislative obstruction.

In a similar vein, Bowling and Ferguson (2001) argue that interest groups and party control may both affect legislative productivity in the American states. Although they employ a research design similar to that of Gray and Lowery, they divide their analysis among eight high and low conflict policy areas (e.g., agriculture, health, economic development, etc.), assessing the relative productivity of state legislatures during the 1993-1994 legislative session. They argue that divided government matters in certain policy areas, those they classify as "high conflict policy areas" (e.g., crime, education, and welfare). Unlike Gray and Lowery, though, they measure legislative productivity as a dichotomous variable, coding as a 1 all bills that ultimately became law, and 0 for all other introduced bills. They also classify the key independent variable, divided government, two alternative ways: simple divided government, when the governor's party is in opposition of both chambers of the legislature, and compound divided government, when the two chambers of the legislature are split along party lines. (Unified party government, thus, is their reference (omitted) category.) The bifurcated divided government distinction is important, as they find that states with compound divided government have a much lower probability of passing legislation in high-conflict policy areas than those legislatures with unified party government, but that state legislatures with simple divided government were no less likely

to pass legislation in most policy areas. In short, they find that compound divided government is much more likely to create legislative gridlock, but that simple divided government has little impact on legislative productivity. Clouding the findings of Gray and Lowery, their analysis shows that interest group proliferation alternatively has a positive and negative affect on the likelihood of legislative productivity, depending on the policy area.

Examining the determinants of what he terms legislative efficiency, Squire's (1998) cross-sectional analysis pools data from the first year of three legislative terms (1989, 1991, and 1993). Measuring legislative efficiency (i.e., productivity) in two different ways (legislative enactments per day and the percentage of bills enacted in a session), his explanatory variables include legislative professionalization, turnover of legislative membership, carryover provisions, and limitations on bill introduction. Despite an existing theoretical rationale that lower levels of membership turnover should be associated with increased levels of legislative efficiency, he finds the relationship fails to reach statistical significance. In contrast, he finds legislative professionalism has a negative effect on legislative productivity, limitations on bill introduction are associated with higher levels of productivity, and carryover provisions lead to lower levels of productivity.

Finally, modeling legislative production originating from each chamber, Rogers (2005) finds that not all forms of divided government are alike when it comes to the volume of legislation in the American states. Analyzing legislative productivity in 23 states in odd years from 1981 to 1993, Rogers finds that divided party control in a state legislature (which is essentially the same as Bowling and Ferguson's compound divided government) has a statistically significant and negative impact on legislative output, but that divided interbranch government (which is akin to Bowling and Ferguson's simple divided government) does not. According to Rogers, just as Mayhew (1991) failed to find any negative effects of divided branch government at the national level, the null findings are likely due to the fact that most governors have little legislative formal authority. In other words, when trying to account for legislative productivity, the governor's party might only be important in those few states where the governor has important legislative functions. The distinction between simple and compound divided government, then,

is an important control in empirical analyses of legislative productivity in the states, but as Rogers (2005: 227) suggests, "scholars and commentators should look elsewhere for sources of gridlock, at least when gridlock is measured by the raw volume of legislation."

To this end, and given the disparate findings on the impact of party control on legislative productivity, we consider two other institutional factors that may impact legislative output over time across the 50 states. First, we consider whether legislative productivity is influenced by the imposition of term limits on lawmakers. Due to the timeframe of the previous 50-state studies, none considers the possible effect of term limits might on legislative productivity. Theoretically, term limits, currently in place in 15 states, might liberate some legislators from the demands of constituency service, thereby providing an incentive to focus on policy development and implementation (Kousser 2005; Carey et al. 2006; Powell 2008; Kurtz, Cain, and Niemi 2007; Farmer, et al. 2007; Mooney 2007). It is possible, then, that term limits might increase legislative productivity by reducing concerns for constituency service while increasing a policymaking focus. Second, we consider whether the availability of direct democracy might impact legislative productivity. There is considerable evidence that ballot measures can indirectly influence legislative behavior, pushing public policy closer to the median public opinion of a state (Gerber, 1996; Bowler and Donovan 2002; 2004; Arcenaux 2002). As such, it is conceivable that the external threat of ballot initiatives—a procedure permitted in slightly less than half of the states but with considerable variation in ease of use (Bowler and Donovan 2004)—could exert pressure on lawmakers to be more productive. Indeed, since the Progressive Era, the threat of ballot initiatives has been often understood as a "gun behind the door," a mechanism to to compel wayward lawmakers to act in a responsive and timely fashion, particularly on salient issues (Smith and Tolbert 2004).

Expectations, Data, and Estimation Procedure

Expectations

Because the scholarly literature on the effect of unified and divided party control on legislative productivity is so inconclusive at both the federal and state levels, we remain agnostic as to its effect.

However, in order to pinpoint whether intralegislative or interbranch divided government makes any difference when it comes to state legislative policy output, we do distinguish whether states have simple and/or compound divided government, compared to states with unified party government (Rogers 2005). With respect to the professionalism of state legislatures (specifically, how closely each state legislature approximates the salary, time in session, and staffing of the US Congress), we follow the expectations of research finding that more professional legislatures tend to have less legislative productivity (Squire 1998; 2007). Informed by the work of Gray and Lowery (1995), we also expect that states with more powerful interest group systems will more likely lead to less legislative productivity. Taking into consideration Key's (1956) observation that if a party has overwhelming control of a state legislature it might stymie the minority party's to function as a loyal opposition, we test for whether the absolute size of the majority party in the legislature impacts legislative productivity, expecting that policy outputs increase as legislative party competition increases (Francis 1967; Smith and Fridkin 2008). We also test for whether the formal powers of the governor affect legislative productivity, expecting that greater institutional powers of the governor might lead to obstructionism, and thus less legislative productivity.

Finally, as noted above, we consider the effects of both legislative term limits and direct democracy on legislative productivity across the states. We expect that states that limit the terms of their lawmakers and that allow outside groups to apply pressure on the legislature to enact policy, will have greater legislative productivity. Term limits functionally negate the reelection motive which might otherwise lead to a decrease in legislative productivity. We expect that the threat of direct democracy will increase public awareness and participation in the legislative arena and induce lawmakers to respond accordingly and cooperatively, thereby compelling legislators to act more swiftly on salient issues (Gerber 1996; Smith and Tolbert 2004). Once we control for these institutional factors, we expect the impact of party divided government (both simple and complex) on legislative productivity to be minimal.

Data

We measure our dependent variable—legislative productivity—as the percentage of all the bills that were introduced that a state legislature passed in a given year (1991-2007). As the literature

indicates, the critical aspect of measuring this concept is using a measure which incorporates a denominator (Binder 2003), that is, a reliable measurement of legislative productivity should reflect the percentage of enactments in terms of the overall legislative agenda. Without accounting for the amount of legislation that fails, measurements of legislative productivity fall short of indicating the level of obstruction which is, at its core, the purpose of any study of legislative productivity. We obtained our data for state legislative productivity from the National Conference of State Legislatures (NCSL). The NCSL data are ideal for this type of research because as well as providing the percentage of bills and resolutions enacted in the legislatures across the fifty states, they also include the absolute numbers of those introduced and enacted. We dropped those states whose legislatures meet biennially (Arkansas, Kentucky, Montana, Nevada, North Dakota, Oregon, and Texas). We also dropped Nebraska, as the state has a unicameral and nonpartisan legislature. The net result is a database which covers 42 states, over 17 years, and includes 637 observations.[1]

Data for our independent variables measuring unified and divided government were drawn from Klarner (2007). Heading the reasoning of Rogers (2005), our primary party control variable reflects compound divided government, hereafter labeled *divided legislature*. It is coded 1 when and where the two chambers of a state legislature are divided on partisan lines. We also include variables for *unified Republican control*, coded 1 when and where the Republican Party has a majority in both legislative chambers and holds the governor's office, and *unified Democratic control*, coded 1 when and where the Democratic Party has a majority in both chambers and holds the governor's office.[2] By default, our

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[1] In 77 out of the 714 possible cases (17 years * 42 states), states failed to provide NCSL with legislative productivity figures in a given year.

[2] We also tested an alternative model which includes *simple divided government*, coded 1 when and where the governor's party opposed one or both of the majority parties in the legislature, *Republican legislatures*, coded 1 when and where Republicans held a majority in both chambers, and *Democratic legislatures*, when and where Democrats held a majority in both chambers. Separate models were necessary to avoid multicollinearity, but independently these models maintain sufficient levels of variance inflation as indicated by VIF tests. We find *divided legislatures* to be a more robust and significant predictor of legislative productivity than *simple divided government* in all of the models we tested.

reference (or omitted) category is simple divided government, that is, a unified legislature (controlled by either the Democratic or Republican party) with the governorship controlled by a member of the opposite party. We also draw on Klarner's dataset for our variable *majority size*, which measures the size of the majority party in the legislature.[3]

Data for *legislative professionalism* scores across the states are drawn from Squire (2007). When trying to measure legislative productivity across legislatures across multiple years, it is important to account for varying degrees of policymaking capacities. Generally speaking, measurements of legislative professionalism have relied on legislator salary, time in legislative session, and staff resources (Squire, 1992). Each of these components reflects the lawmaking capacity of legislatures and thus Squire (2007) uses these components to create legislative professionalism scores across the states. The index's baseline is how closely each legislature reflects that of Congress with respect to salary, time in session, and staff. By dividing each of these components by the congressional statistics and then averaging them, Squire creates a score that ranges from 0.0 to 1.0, with 1.0 being the most professional and indicating the legislature is 100% as professional as Congress. Unfortunately, Squire only calculates scores for 1979, 1986, 1996, and 2003, so in order to account for the time between these years we linearly interpolated the missing data and extrapolated for the years beyond 2003. Nonetheless, it is worth noting that the scores for each state varied very little across the separate years.

As indicated previously, we expect the availability of direct democracy to impact the responsiveness of legislatures to the median voter, and in turn, enhance legislative productivity. The data for direct democracy were provided by Bowler and Donovan (2004). The use of direct democracy varies considerably across the states; 26 states prohibit the initiative process outright. In the remaining states that permit the process, in some it is considerably easier and less costly to get an initiative on the ballot

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[3] We calculate legislative *majority size* by taking the absolute value (ABS) of the number of Democrats in each chamber minus the number of Republicans in each chamber and dividing the total by the number of legislators in the chamber. We then averaged the figures from the House and Senate for each state to reflect the total size of the majority in the full legislature. In theory, the variable ranges from 0 to 1; in the dataset, the range is .0065 to .8015, with higher values indicating larger margins for the majority party.

initiatives approved, and in others the legislature is more insulated from successful ballot initiatives, as it can modify or even skirt initiatives approved by the public. These differences are important to account for when determining the impact of direct democracy on legislative productivity. Bowler and Donovan (2004) create an *ease of initiative implementation* index circa 2000-2003 for states permitting the initiative process. direct democracy across the states: *ease of initiative implementation* and *legislative insulation*. We transpose their seven-point index so that a 0 indicates those states prohibiting the initiative, and a 6 indicating that there are very low barriers for qualifying ballot measures in the state.

Following the reasoning of Gray and Lowery (1995), we also control for interest group systems, as they may negatively affect legislative productivity. Unfortunately, data for interest group systems across the states are difficult to find. Gray and Lowery have collected data for interest group density and diversity across the fifty states for three years: 1980, 1990, and 1998. These data have been used in many studies, but are unfortunately not compatible with the longitudinal scope of our research. Gray and Lowery's density and diversity measures reflect actual numbers of interest groups which vary considerably in the states and across the time period of this project, making interpolation too unreliable. Instead, we use Hrebenar and Thomas's (1994, 1996, 2004) measure for interest group system dominance, which is based on surveys conducted with political scientists and political practitioners throughout the states. The measures range from 1 through 5, with 1 indicating states with the least dominant interest group systems (subordinate), and 5 indicating states with the most dominant interest group systems, categorized as states in which interest groups have a "consistent influence on policy making" (Hrebenar and Thomas 2004: 121).

A final control variable is the institutional power of a state's governor. This variable is intended to control for any impact that a governor may have on influencing legislative productivity. Just as we might expect a president to influence policymaking in the Congress at times, governors, particularly those with greater institutional powers, may affect the productivity of the state legislatures. Although some may expect that greater institutional powers of the governor would increase the productivity of the legislature, if the assumption about institutional competition is true then the opposite may very well be revealed. If

legislative chambers indeed act as competitive policymakers in the institutional setting, then obstructionism may occur more frequently when governors have greater powers. We use Beyle's (2008) composite index (including gubernatorial tenure potential, appointment, electoral formulae, budgetary, and veto powers), which ranges from 1 to 5, with five reflecting the greatest gubernatorial formal powers.

Estimation Procedure

The dataset used in this paper is time-series cross-sectional (TSCS or panel data). Ordinary Least Squares (OLS) is a reasonable estimation strategy for such data inasmuch as the assumptions of linear regression analysis are realistic. However, TSCS data notoriously fall short of living up to traditional standards of OLS. Following Beck and Katz (1995), in order to deal with biased error terms in TSCS, we use panel corrected standard errors (PCSE's).[4] PCSE's correct for both panel heteroskedasticity and contemporaneous correlation, and enhance the theoretically important cross-sectional and time-series variance of the TSCS data.[5]

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[4] We use panel corrected standard errors to correct for heteroskedasticity and contemporaneous correlation in the (ε_{it}) term. We chose not to use panel unit dummy variables (α_i) because we have time invariant independent variables which are mostly exogenous (see Plumper, Troeger, and Manow 2005: 330-334). We do use yearly dummy variables (δ_t) to control for time-specific effects, which are always an intuitive choice in political analysis (election years, for instance might have an impact on legislative productivity). We did not use a lagged dependent (Y_{it-1}) variable, heeding the advice of Achen (2000). For one, we were concerned that a lagged dependent variable would absorb the variation in the dependent variable, thus biasing the estimates. More importantly, we decided not to use a lagged dependent variable for theoretical reasons. It is difficult to say that legislative productivity in a particular year is dependent on productivity in the year prior or some other arbitrary distance in time. It is important, nonetheless, to make sure that our estimates are not biased by serial correlation (despite the fact that we use yearly dummies) because we do not include a lagged dependent variable. Therefore, we ran Baltagi-Wu LBI tests with all the models involved (Baltagi and Wu, 1999). The LBI values generally fell around 2.3. Values that fall under 1.5 are generally considered biased by positive serial correlation.

[5] Formally, our model is denoted:

$$Y_{it} = \beta_0 + \delta_t + \beta X_{it} + \beta Z_{it} + \varepsilon_{it}$$

Where:

i = 1, 2,…, N cross-sectional units (42 American states)

t = 1, 2,…, T time units (17 years, 1991-2007)

Findings

Given the objectives of this paper, we begin our analysis with a simple test that includes only party control determinants of legislative productivity. In his classic analysis, Mayhew (1993, 2005) illustrates that the raw number of significant enactments during unified and divided party control varied insubstantially at the federal level. Figure 1 illustrates the total number of enactments in our sample when in a given year a state legislature's two chambers are divided by party versus when they are unified. Although these nearly 250,000 bills are certainly not limited to "significant" enactments, the difference appears quite substantial, and contrary to Mayhew's expectations. Over the 17 year period, legislatures with unified party control enacted roughly four times as many laws as those with divided government.

[Insert Figure 1 about here]

In addition to this simple bivariate test, we ran two TSCS models (in order to avoid multicollinearity) with only party control variables as determinants of legislative productivity. Again, contrary to Mayhew's findings with Congress, we find that divided government has a notable impact on the production of legislation. As Table 1, Model 1 reveals, when legislatures are divided along partisan lines—that is, when the House and Senate are controlled by different parties—the expected productivity of the split legislature is approximately 4 percentage points lower than the reference (or omitted) category, which is "simple" divided government, that is, when the legislature is unified by the governor is of the opposing party. Even more notable, when the legislature and governorship are controlled by the Republican Party, productivity is estimated to increase by roughly 11 percentage points relative to the reference category, but when Democrats have "simple" unified government, legislative productivity is 3 percentage points lower than the reference category.

Table 1, Model 2, reports the similar findings when using an alternative coding scheme for the party control variables. The reference (or omitted) category in the model is unified party government, be it controlled by the Republican or Democratic Party.   A state with a divided legislature, irrespective of which party controls the governorship, is expected to pass 2 percentage points less legislation than a unified party government, be it Democratic or Republican controlled. Somewhat surprisingly,

Republican controlled legislatures, even with a Democratic governor, are likely to pass nearly 12 percentage points more legislation than a unified party state government (be it Republican or Democratic controlled). These finding appear to substantiate Rogers (2005) argument that divided legislatures are more detrimental to legislative productivity than "simple" divided government. To ensure these findings are not spurious or idiosyncratic, it is important to provide several control variables to adequately assess the role of party control in the production of legislation in the American states.

[Insert Table 1 about here]

Even though these findings provide support for the critics of Mayhew's divided party control thesis, it is important to test these party control variables in a more inclusive model so that their impact can be properly controlled for and their relative effects understood. Because the findings indicate that states with divided government (Table 1, Model 2) have less substantial and robust effects on productivity than states with divided legislatures (Table 1, Model 1), and because divided legislatures are intuitively more theoretically interesting when it comes to understanding legislative productivity, we proceed by limiting our analysis by including only the divided legislature variable. As Table 2 reports, it is strikingly apparent from the more inclusive model that the impact of a divided legislature on legislative productivity washes out when institutional variables are added.[6] To be sure, the direction of the slope for divided legislature still indicates that when the chambers of the legislature are controlled by different parties, legislative productivity decreases. However, all else equal, a divided legislature has a negligible impact on legislative productivity across the states and over time. Not only has the Z-Score for the coefficient dropped precipitously, but the disturbance term, as indicated by the panel corrected standard error, is now larger than the coefficient. Despite the far reaching criticisms of Mayhew's study, and the contrary evidence that unified legislative party control is decisive, when institutional variables are included, the empirical evidence from the states seems to substantiate Mayhew's argument.

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[6] Substantively, we find nearly identical effects when we substitute the divided government variable in the model for the divided legislature variable.

Although it appears that a divided legislature (when contrasted with "simple" divided government, the reference category) has a negligible impact on a state's legislative productivity, the same is not true for unified Republican control of state government. All else equal, legislative productivity increases by nearly 5 percentage points when the Republican Party controls both legislative chambers and the governorship. On the one hand, this finding seems contrary to popular expectations, as most the Republican Party is considered to be conservative with regard to "activist government." On the other hand, the measurement for legislative productivity needs to be kept in mind. Rather than reflecting the shear number of enactments, our measure of legislative productivity is the percentage introduced legislation that is enacted.[7] Keeping in mind this measure of productivity, then, it appears that Republican governments are more efficient, perhaps indicating that the Republican Party is more disciplined than the Democratic Party. It is possible that state governments controlled by the GOP may introduce less overall legislation, but have considerably less dissension and obstruction in their majority ranks along the way towards passage.

[Insert Table 2 about here]

Regardless of the explanation, Republican control of state government is far from the most robust variable in the model. Legislative professionalism in particular stands far above party control when explaining legislative productivity in the states. In keeping with the expectation of Squire (1992, 2007), we find those states with more professional legislatures—those equipped with extensive staff, that spend more time in session, and that have higher remuneration for legislators—have considerably less legislative productivity than citizen legislatures. Of course, because the dependent variable measures the percentage of introduced legislation that becomes enacted, this not mean that "citizen" legislatures enact more laws, but rather that they enact a higher percentage of the ones they do introduce, all else equal.

One way of clarifying the effect that legislative professionalism has on the production of legislation is to place the findings into context. There is a tremendous amount of variation when it comes

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[7] Indeed, state governments during the time period of study under unified Republican Party control introduced on average 1,115 bills a year, whereas those controlled by Democratic Parties introduced on average 2,330 bills a year.

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to legislative professionalism across the states. Using the results in Table 2 to simulate several scenarios (as reported in Table 3, we can get a better sense of how legislative professionalism affects legislative productivity in the states. New Hampshire has the least professional legislature. With its annual salary of $100 per legislator, small legislative staff, and relatively short sessions, New Hampshire is often understood as the quintessential citizen legislature. In 2007, New Hampshire's legislators were paid 1% as much as members of Congress, the legislative session was 16% as long, and the body appropriated only 4% as much as Congress for its operations. Conversely, California has the most professional legislature among the American states. In 2007, legislators earned 68% as much as members of the Congress, its legislative session (including special sessions) was 36% longer than Congress', and it expended 35% as much as the Congress on operating costs. In the middle, the Washington state legislature has the mean value for legislative professionalism in 2004. In that year, members of the Washington legislature were paid 22% as much as members of Congress, its session was 52% as long, and it expended 6% as much as Congress for its operating costs.[8] Holding constant all the other variables at the mean values, New Hampshire's legislative productivity is only 1 percentage point less than an ideal-typical pure citizen legislature, while Washington's and California's are 10 and 33 percentage points less, respectively. In real terms, the estimated productivity—that is the percentage of bills enacted—of the New Hampshire legislature in 2007 was 36%, all other factors held at their means. In contrast, the estimated productivity for Washington's legislature in 2004 was 27%, and California's was only 5% that same year. The negative impact of legislative professionalism on legislative productivity, even after controlling for numerous factors, is exceptional, superseding any impact of unified Republican Party control across the branches of government.

[Insert Table 3 about here]

[8] We calculated these figures using data from the Council of State Governments, the U.S. Bureau of the Census, Ornstein, Mann and Malbin (2008), Dwyer (2006), and Dwyer and Brudnick (2007).

Similarly notable in its impact on legislative productivity in the American states is the ease of placing initiatives on the ballot. The unstandardized partial coefficient for ease of initiative use calculated in the full model (Table 2) appears to have a small, albeit significant, impact on the production of legislation. However, the ordinal measurement of this variable is distinct and should also be kept in mind. The ease of initiative qualification variable ranges from 0-6, with the states that prohibit initiatives altogether coded as 0 (e.g., New York, Wisconsin), and the states with the easiest qualifications coded as 6 (e.g., Colorado and North Dakota). According to our model, moving from the most restrictive states in terms of ease of using direct democracy to the least restrictive states should lead to an increase in legislative productivity by approximately 18%, all else equal. In other words, we should expect the Colorado legislature to be 18% more productive than the New York and Wisconsin legislatures. The Colorado legislature should also be 9% more productive than the Florida legislature (coded 3 on the 0-6 initiative qualification ease scale). In keeping with the scholarship that finds the "gun behind the door" to be a mighty good persuader, we find considerable evidence that the impact of direct democracy enhances the likelihood that a state legislature is productive, all else equal.

Finally, in terms of our other institutional variables, we find that term limits, interest group domination, and gubernatorial power all have a statistically significant effect on legislative productivity. Relatively speaking, however, the power of these variables in the model is noticeably smaller than either direct democracy or legislative professionalism. When and where term limits occur in the American states, we expect productivity to increase by roughly 3 percentage points, holding the effect of all other variables constant. With respect to the negative power of interest groups, we find that moving from a state environment with the least dominating interest groups, such as that in Minnesota, to a state environment with the most dominating interest groups, such as that in Alabama, that productivity is expected to decrease by 2 percentage points. Finally, as formal gubernatorial power increases, we find that legislative productivity is expected to decrease. States with the least powerful governors (e.g., Vermont), are expected to have 4 percentage points more legislative productivity than states with the most powerful governors (e.g., Maryland). It is also important to note that our variable majority party size does not reach

significance in this model. It is in the expected direction—the greater the size of the majority party in both chambers the more productive the legislature will be—but the null hypothesis cannot be rejected. Despite this finding, the variable's inclusion in the model is theoretically intuitive (Key 1956; Francis 1967), as it both takes into account super-majoritarian rules that may overshadow the impact of divided government and serves as a proxy indicator for the extent to which party competition is relevant.[9] Nonetheless, after controlling for other factors, the size of the majority legislative party, much like divided government, fails to reach statistical significance as a predictor of legislative productivity.

Conclusion

In part due to an abounding number of methodological and theoretical disagreements, evaluations of the impact of divided government on legislative productivity at the federal level have raised considerable debate among scholars. Most scholars agree that party control (be it unified or divided) affects legislative productivity, but they disagree over its impact vis-à-vis other institutional factors. It can be said, then, that divided government as an independent variable explains some amount of variance in Congressional legislative productivity, but the unexplained variance has left a scholarly vacuum. Filling this vacuum are theoretically intuitive expectations that a government based on separated powers ought to have built-in obstructionism whether or not a party controls the legislative and executive branches. But how can one evaluate systematically the impact of institutional factors on legislative productivity when only a single institution's output is analyzed? In order to manage this empirical obstacle, Congressional scholars have extended their analyses to encompass greater lengths in time, expecting that institutional variations can be measured and controlled for. Yet inherent in this approach is an assumption that the institutional variations which have occurred at the federal level are sufficient for retrospective explanations and prospective predictions of legislative productivity.
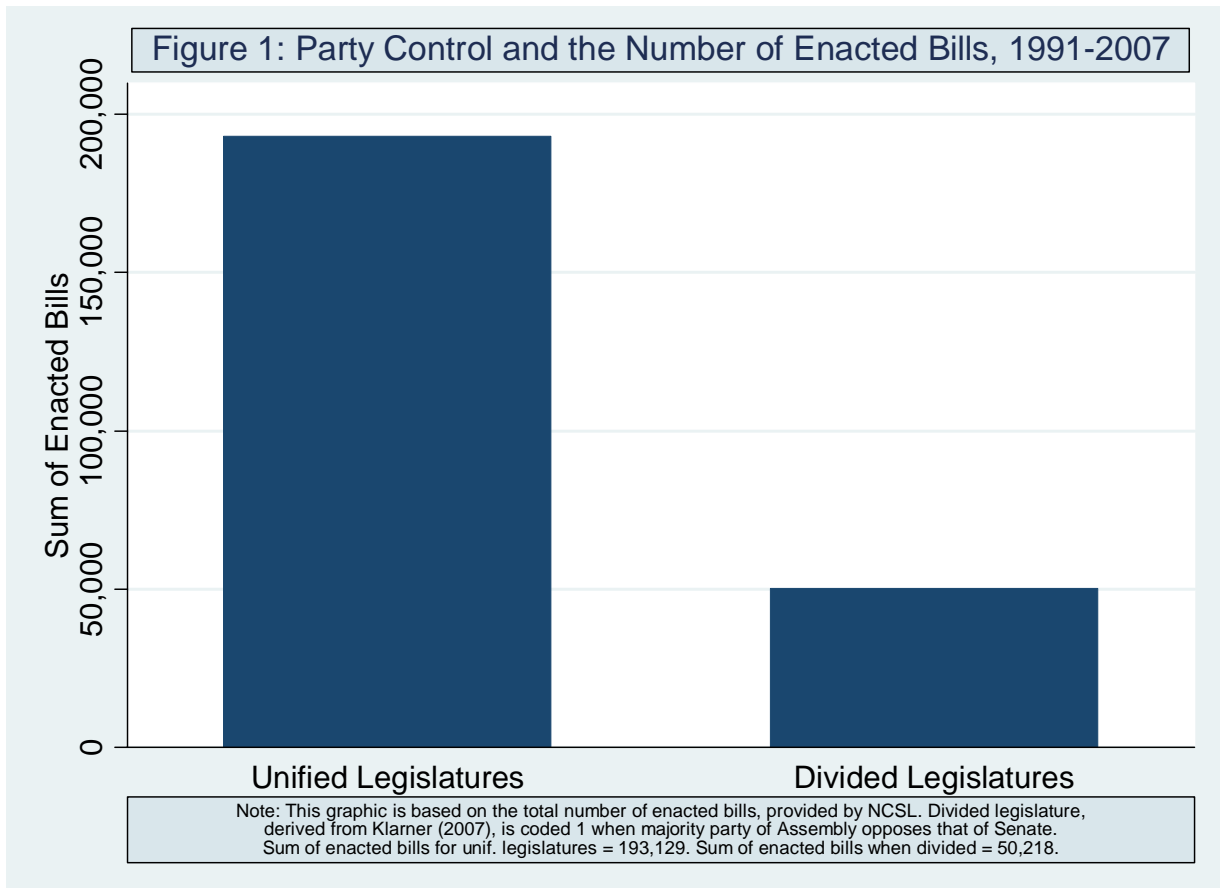
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[9] Our model is unaffected when the size of the majority variable is excluded. In addition, the variable performs quite well, and in the expected direction, in a bivariate model (not shown).

We argue that much more can be learned about the impact of divided government on legislative productivity not only by extending analyses over time, but also across space. Since America's federal government might be an exceptional case with limited comparative applicability, the American states provide scholars with a rich source of data which is comparable to, but institutionally more diverse than, the federal system. Indeed, the states can be seen as "laboratories," and serve as an ideal venue for evaluating alternative institutions and political phenomena (Cain, Donovan, and Tolbert 2008). What makes the American states so ideal is that they are politically and institutionally distinct from one another, but sufficiently similar to render comparative research practical and fruitful.

By extending our research on legislative productivity both cross-sectionally and longitudinally, we are able to evaluate the relative effect of divided government more comprehensively. In so doing, our analysis indicates that the power of divided government may be theoretically and empirically overvalued. When institutional controls are added to models of legislative productivity in the American states, the power of divided government as an explanatory variable erodes. This finding is robust, holding up when we use various measures of party control and divided government. Measuring divided government consistent with the congressional research—simple divided government—or consistent with the state government research—compound divided government—makes a slight, though notable, difference in the party-based statistical models. But this subtle distinction makes no large-scale difference when tested in the more comprehensive model. To be sure, unified Republican Party control remains a significant predictor of legislative productivity across the American states, indicating that legislatures run by the GOP may be more disciplined, but its potency pales in comparison to the institutional variables.

Finally, we have shown that other institutional variables in the American states—namely, legislative professionalism, the threat of direct democracy, term limits, powerful governors, and dominant interest group systems—are key predictors of legislative productivity. These findings are important not only because they overshadow the statistical weight of divided government, but also because they have received much less attention in the scholarly literature. For example, even though scholars have long believed that direct democracy and term limits affect legislative behavior, few have empirically tested

their impact on the production of legislation. Similarly, legislative professionalism is often treated as a fundamental control variable, but rarely as an integral explanatory variable. The findings herein, however, indicate that these variables deserve further attention and emphasis in future examinations of legislative productivity.

Figure 1: Party Control and the Number of Enacted Bills, 1991-2007

Note: This graphic is based on the total number of enacted bills, provided by NCSL. Divided legislature, derived from Klarner (2007), is coded 1 when majority party of Assembly opposes that of Senate. Sum of enacted bills for unif. legislatures = 193,129. Sum of enacted bills when divided = 50,218.

Variables	Coef.	PCSE's	Z-Score	P-Value
Table 1:				
Alternative Party Models and Legislative Productivity of State Legislatures, 1991-2007				
Variables	Coef.	PCSE's	Z-Score	P-Value
Model 1				
Divided Legislature	-0.0444	0.0145	-3.07	0.002
Unified Republican Control	0.1075	0.0175	6.15	0.000
Unified Democratic Control	-0.0319	0.0112	-2.86	0.004
Constant	0.2671	0.0063	42.29	0.000
R^2	0.1327			
N	637			
Model 2				
Divided Government	-0.0231	0.0112	-2.07	0.039
Republican Legislature	0.1182	0.0223	5.31	0.000
Democratic Legislature	0.0001	0.0120	0.01	0.994
Constant	0.2520	0.2520	17.95	0.000
R^2	0.1505			
N	637			

Note: The dependent variable is the percentage of bills introduced that were enacted in a given year, as provided by the NCSL. Party control variables are derived from Klarner (2007), coded 1 when and where they occur. The reference (or omitted) category in Model 1 is "simple" divided government, regardless of which party controls the legislature. The reference (or omitted) category in Model 2 is unified party government, regardless of which party controls both chambers of the legislature and the governorship. Both models incorporate yearly dummies minus the first year. PCSE's reflect panel corrected standard errors (Beck and Katz 1995).

Table 2: Determinants of Legislative Productivity of State Legislatures, 1991-2007

Variable	Coef.	PCSE's	Z-Score	P-Value
Legislative Professionalism	-0.4975	0.0455	-10.93	0.000
Initiative Ease	0.0308	0.0024	12.75	0.000
Term Limits	0.0311	0.0151	2.05	0.040
Interest Group Domination	-0.0069	0.0031	-2.20	0.028
Governors' Inst. Power	-0.0173	0.0081	-2.12	0.034
Majority Size	0.0420	0.0291	1.44	0.149
Divided Legislature	-0.0089	0.0150	-0.59	0.555
Unified Republican Control	0.0490	0.0120	4.07	0.000
Unified Democratic Control	-0.0147	0.0107	-1.38	0.169
Constant	0.3836	0.0362	10.59	0.000
R^2	0.3536			
N	637			

Note: The dependent variable is the percentage of bills introduced that were enacted in a given year, as provided by the NCSL. Party control variables are derived from Klarner (2007), coded 1 when and where they occur. The reference (or omitted) category is "simple" divided government, regardless of which party controls the legislature. Legislative professionalism derived from Squire (2007), higher scores indicate higher levels of professionalism, 0 to 1. Initiative ease derived from Bowler and Donovan (2004), higher values indicate qualifications for placing initiatives on the ballot are less restrictive, 0 to 6. Term limits derived from NCSL, coded 1 when and where they occur. Interest group domination derived from Hrebenar and Thomas (various years), higher values indicate more dominant interest group systems, 1 to 5. Governors' Inst. Power derived from Beyle (2008), higher values indicate greater institutional powers, 1 to 5. Majority size is derived from Klarner (2007), higher values indicate greater majorities. Values reflect ABS(#Dems - #Reps)/total in chamber. Figures are averaged across chambers. Party control variables derived from Klarner (2007), coded 1 when and where they occur. Yearly dummies minus the first year are included in the model. PCSE's reflect panel corrected standard errors" (Beck and Katz 1995).

Table 3: Estimated Change in Legislative Productivity by Legislative Professionalism and Ease of Initiative Use

Legislative Professionalism			Ease of Initiative Use		
Least	-1%	NH, 2007	Prohibited	+0%	TN and WI
Mean	-10%	WA, 2004	Mid-Level	+9%	FL and ME
Most	-33%	CA, 2007	Max-Level	+18%	CO and ND

Note: This table is based on the estimated differences in legislative productivity predicted by changing the values of legislative professionalism and ease of initiative qualifications as specified in Table 2, with all other values held constant at their mean values. The reference value is 0, a pure citizen legislature and an environment where the initiative process is prohibited.

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