

## Legislative Reform in the South, 1970-2010

David S. Castle  
Lamar University

*Nearly all southern state legislatures ranked low on the 50-state study of legislative capability by the Citizens Conference on State Legislatures (CCSL). Which of the southern state legislatures have implemented the study's reform recommendations in the years since, and which ones remain largely unreformed? I construct a legislative capability index that measures compliance with 25 specific recommendations by 11 southern states. The Virginia, Tennessee, and Florida legislatures score highest on the index, while the Alabama and Mississippi legislatures score lowest. I describe differences between southern state legislatures, and find that the capacity for legislative governance in southern states is related to demographic variables such as measures of state wealth and urbanization, and political variables including political party competitiveness.*

The publication of *The Sometime Governments: A Critical Study of the 50 American Legislatures* in 1971 launched a nationwide state legislative reform movement. The report by the Citizens Conference on State Legislatures (CCSL) fueled debate and ignited action that strengthened and modernized state legislatures all across the country. I offer in this research the first comparative study of the results of the legislative reform movement. I construct a legislative capability index which can be used to measure the outcomes of the legislative reform movement in particular American states and apply the measure to a study of the South.

The CCSL study, conducted in 1969-70 and also published in 1971 as *State Legislatures: An Evaluation of Their Effectiveness*, produced recommendations aimed at increasing the capabilities of state legislatures for coping with the myriad problems and responsibilities of state government in an era of greatly increased domestic policy activity by the federal government. State governments in the 1960s and 1970s would be required to deal with new and expanded federal programs in education, health, welfare, environmental protection, criminal justice, and transportation. In addition to federal policy initiatives, the American states faced growing pressure to improve and expand basic and higher education, workplace health and safety, roads and bridges, and other fundamental aspects of government. State legislatures would be the key to these public policy decisions.

The CCSL report evaluated state legislatures on five components of the FAIIR Index: how *functional, accountable, informed, independent, and representative* the legislatures were. The FAIIR criteria were weighted to produce a final rank from 1 to 50, on which the California state legislature ranked first and the Alabama legislature ranked last. Alabama's poor legislative capability rating reflected the weakness of most southern state legislatures.

Except for Florida, which ranked fourth on the overall FAIIR Index, the legislatures of the southern states performed poorly. Six southern state legislatures ranked in the bottom ten nationally: Mississippi 42<sup>nd</sup>, South Carolina 44<sup>th</sup>, Georgia 45<sup>th</sup>, Arkansas 46<sup>th</sup>, North Carolina 47<sup>th</sup>, and Alabama 50<sup>th</sup>. The rest of the South, again except for Florida, ranked among the ten worst legislatures on one or more criteria: Louisiana 47<sup>th</sup> on functionality; Tennessee 44<sup>th</sup> on accountability and 45<sup>th</sup> on independence; Texas 45<sup>th</sup> on functionality, 43<sup>rd</sup> on information, and 45<sup>th</sup> on independence; Virginia 48<sup>th</sup> on representation.

The lack of adequate governing capability in southern legislatures coincided with troubling quality-of-life indicators in the South at that time. The 1970 census revealed that the South ranked highest among all regions on murder rates and other measures of violent crime, and on infant death rates for both Whites and Non-Whites. The South ranked lowest among the regions on personal income and per capita income, on per-pupil public school expenditures, and on median school years completed by both Whites and Non-Whites. To the extent that these social maladies are properly the concern of government, the southern states that most needed capable government had legislatures that were among the least capable.

In the wake of the publication of *The Sometime Governments*, the state legislative reform movement produced quick and dramatic changes in some states across the nation, but was slower to take hold in others. Some southern legislatures soon adopted many of the recommendations contained in the Citizens Conference report, while others balked at reform. Indeed, some of the recommended legislative reforms have only recently been implemented or are being considered in some southern state legislatures forty years later. This research measures the extent of reform of the southern state legislatures by way of a legislative capability index, describes the differences between the most-reformed and least-reformed southern legislatures, and tests hypotheses about the factors associated with legislative reform.

## The CCSL Report and Recommendations for State Legislatures

In 1965, the Citizens Conference on State Legislatures was formed as a private, nonprofit, nonpartisan organization to help transform state legislatures into twentieth century institutions of government (Burns 1971). After four years of working with legislators, citizens groups, the news media, and academic specialists the CCSL came to see that two barriers stood in the way of significantly enhancing state legislatures: (1) not enough was known about individual state legislatures – even by their own members, and (2) there was no information base for comparing one legislature to another or to all the others. The CCSL therefore set out on a 14-month Legislative Evaluation Study to measure legislatures' decision-making capability as a function of their organization, procedures and practices, rules, and structure. CCSL researchers consulted throughout the study with a large panel of recognized authorities on legislatures – including legislative leaders and legislators of majority and minority parties, legislative staff members, political scientists, capitol correspondents, and civic leaders. They developed 20 criteria for a functional legislature, 14 criteria for accountability, 17 criteria to measure information-handling capability, 12 criteria for independence, and 10 for a representative legislature. The criteria were weighted according to importance, and were examined using questionnaires, on-site visits, and interviews. Each legislature was ranked on each part of the FAIR index, and then ranked on the summary measure of overall legislative capability.

The publication of *The Sometime Governments* and its rankings of the state legislatures had a bombshell impact. Low rankings were highly controversial and heatedly denied by legislative leaders. Nevertheless, the numerical rankings were a hugely motivating force in the legislative reform movement. No state legislature wanted to remain in the bottom half of the rankings or to be ranked below neighboring states. The rating system used to produce the rankings was a seemingly objective one, applying the same criteria to the analysis of each legislature. The resulting study was easily understood by academics, legislators, and the press. The report made the front page of many capital city newspapers and became the subject of editorials, thereby placing the question of reform on the legislative agenda. Kurtz (2010) notes that an assumption of the CCSL study was that using a quantifiable social science methodology complete with rankings would bolster the political objective of encouraging reform both inside and outside the legislatures. The recommendations would serve as the basis for change inside the legislature, but also as a cause to be taken up by state “reform” groups: the news media, Common Cause, the League of Women Voters, and others.

While most legislative leaders in the low-ranking states initially condemned the findings of the CCSL report, they could not and did not ignore the thrust of study – that state legislatures needed to modernize and become more professional by increasing their capabilities. The impetus to change and improve became peer pressure to reform, in some cases stimulating competition between legislative chambers and between neighboring states to implement particular recommendations.

Other groups and entities had proposed legislative reforms over the years: the National Municipal League, American Assembly, National Legislative Conference, Advisory Commission on Intergovernmental Relations, American Political Science Association, Council of State Governments, League of Women Voters, the Eagleton Institute of Politics at Rutgers University. What made the Citizens Conference on State Legislatures most prominent in the legislative reform movement was its impact – the pace of legislative reform increased dramatically in the wake of the publication of *The Sometime Governments*. Rather than broad suggestions for improvements in legislatures generally as proposed by others, the CCSL report produced specific recommendations for each of the 50 state legislatures. The CCSL was able to produce focused, on-site studies of all state legislatures because the organization was very well-funded initially. Grants from the Ford Foundation and the Carnegie Corporation allowed the CCSL to take on the massive task of collecting information and analyzing data for each state legislative chamber in the country.

The menu of recommendations developed by legislative leaders and staff and approved by the CCSL executive committee would improve state legislatures in specific ways. Recommended changes in procedure and facilities would make legislatures more functional. Legislatures would become more accountable to voters because the institutions would be more open, more understandable, and more democratic. Recommendations for more, and more professional, legislative staff would produce more informed legislatures – and thus more independent legislatures less wedded to information provided by governors, executive agencies, interest groups, and legislative leaders. More representative legislatures would result from implementing particular reforms aimed at increasing diversity, member effectiveness, and democracy within the legislature.

The Citizens Conference report was a one-time study. The organization was renamed *Legis 50* in 1975 in part to distinguish it from the newly-formed National Conference on State Legislatures (NCSL). In 1980, *Legis 50* went out

of business after losing private foundation support and experiencing internal mismanagement. The Citizen's Conference was also a victim of its own success (Kurtz 2010). Some state legislatures thereafter periodically commissioned study committees to follow up on reform recommendations. The North Carolina General Assembly, for example, tracked action on all 23 reform recommendations made in *The Sometime Governments* (Cohen 2007).

The incentives for southern legislatures to enact the CCSL recommendations were greatest in the first decade after publication. Stung by the negative publicity generated by the low rankings, some southern legislative leaders embraced the idea of reform of their chambers while others, particularly legislative leaders in Louisiana and Texas, used the report to push internal reform proposals they had already initiated. Legislative leaders and contenders for leadership positions found it useful to champion those recommendations that would benefit rank-and-file members: increased staff, more compensation, member offices, and improved committee facilities. Southern legislative leaders also had the incentive to strengthen their institutions to deal with a number of unusually energetic new governors, including "New South" Democrats and Republican governors for the first time since Reconstruction. Other legislative leaders, particularly in Tennessee and Virginia, seemed motivated toward reform by a sense of what Donald Matthews (1960) has called "institutional patriotism," a desire to increase the prestige of the chamber. These incentives for reform still exist in legislatures today, but in weaker form due to the fact that many if not most of the CCSL recommendations have by now been enacted. The "reform packages" put forth by legislative leaders in the 1970s have been reduced to proposals for one-at-a-time changes in the years since.

### **Legislative Capability: Data, Measures, and Hypotheses**

While this research focuses specifically on state legislatures in the South, I owe much to scholars who have documented reforms of American state legislatures in the last four decades. Rosenthal (1996) calls the sum of the reforms *professionalization*, a term also employed by Hibbing (1999) and Kurtz, *et al.* (2006). Crittenden (1967) uses the term *modernization*, as does Fineman (2003) and Thompson and Moncrief (1992). The most popular term for state legislative reform is *professionalism* (Clucas 2007; Dilger, Krause, and Moffett 1995; Fiorina 1994; Grumm 1970; King 2000; Kousser 1995; Maddox 2004; Moncrief 1988; Mooney 1994; and Squire 1992a; 2007). Legislative professionalism increases *legislative capability* (LeLoup 1978; Roeder 1979), and contributes to *legislative capacity* (Burns, *et al.* 2008; Mooney 1995). I use

the various terms interchangeably to describe *legislative capability* and the *capacity for legislative governance*.

Most studies of state legislative professionalism use measures of time in session, staff, and legislative salaries (see, for example, Squire 1992a; 2007). I include these variables as part of a set of 25 selected recommendations from the 1971 report of the Citizens Conference on State Legislatures. I use particular recommendations that apply to more than one of the FAIR criteria, while including elements of each of the five components of the index. For example, a legislature cannot be functional without also being informed. Therefore, recommendations to improve various aspects of legislative staffing are included in this study of the extent to which the state legislatures of the South have increased their capacity for legislative governance, by which I mean that a state legislature can adequately fulfill the roles of legislative bodies in modern democracies: lawmaking, representation, and oversight of the executive.

Most of the southern state legislatures received the following recommendations in the Citizens Conference report. Each of the 25 recommendations represents a condition of technical capability to be met by the legislature. A state legislature is credited with meeting particular conditions in 2010 even if the conditions were satisfied earlier in the 1970-2010 period or before the publication of the CCSL report and continued throughout the time period.

1. No constitutional restrictions on session and interim time.
2. Legislative authority to call special sessions.
3. Legislative power to expand special session agenda.
4. Pre-session organizational meeting.
5. Pre-session orientation conference.
6. No more than 15 standing legislative committees in each house.
7. No more than three committee assignments for house members and four for senators.
8. Standing committees serve as interim committees.
9. Single-member districts.
10. Legislative compensation set by statute.
11. Adequate legislative compensation.
12. No legislative powers for the lieutenant governor.
13. Research, fiscal, and legal staff.
14. Standing committees staffed on a year-round basis.
15. Leadership staff.

16. Staff support for rank-and-file members.
17. Individual offices for every member of the legislature.
18. Support for district offices.
19. Adequate facilities for committees.
20. Adequate legislative service agency facilities.
21. Adequate press facilities.
22. Management committees in both houses.
23. No rotating leadership positions.
24. 100 or fewer House members and a total size of both houses between 100 and 150.
25. Recorded roll calls on final passage of bills.

Although the CCSL report dates from 1971, the recommendations are by no means time-bound and remain relevant to today's state legislatures. It is as important today as 40 years ago that state legislatures be functional, accountable, informed, independent, and representative. The recommendations I focus on in this paper are very much "best practices" of legislative governance. The contemporary relevance of these recommended reforms is seen in the recent actions by southern legislatures which continue to adopt them. Within just the last three years Arkansas has moved from biennial to annual legislative sessions, the Georgia Senate has stripped the lieutenant governor of legislative powers, Alabama has increased legislative compensation and improved facilities for committees, Louisiana has allowed the legislature to call special sessions and for standing committees to be more active in the interim between sessions, the South Carolina House of Representatives has improved press facilities, and the Florida House of Representatives has reduced the number of committees.

For each southern state legislature I code compliance with each CCSL recommendation as yes or no (one or zero) for 2010. A score of 0.5 is recorded for instances when only one chamber of the bicameral legislature is in compliance; as when, for example the house has reduced the number of committees in accordance with the recommendation, but the senate has not. I use the 11-state definition of the South employed by V.O. Key, Jr. (1949) in his seminal *Southern Politics in State and Nation*. Other studies of the South feature different definitions of the region, as anywhere from 10 to 16 states, and Hadley (1981) notes the implications of this and other data management decisions in the study of southern politics.

I determine compliance in 2010 from a variety of sources, including personal observation of legislative service agency, committee, and press

facilities in on-site visits to each of the southern state legislatures during the period May 2008 through June 2010. Public information sources include the Web site and publications of the National Conference of State Legislatures (NCSL) and the Southern Legislative Conference (SLC), the Web sites of each southern state legislature, and *The Book of the States*. Some recommendations required that I consult state constitutions and the published house and senate rules. The extent of compliance with the 25 CCSL recommendations in 2010 is shown in Table 1.

**Table 1. Legislative Capability Index  
Scores for Southern States, 2010**

Virginia	23.0
Tennessee	22.0
Florida	21.5
Loiusiana	18.5
North Carolina	18.0
South Carolina	16.0
Georgia	15.0
Texas	14.0
Arkansas	13.0
Alabama	12.0
Mississippi	10.0

I examine two broad hypotheses about what accounts for variability in legislative capability scores among southern states. The first hypothesis,  $H_1$ , states that demographic variables are positively associated with legislative capability scores. Studies consistently find that variation in professionalism among state legislatures is a function of demographic and socio-economic characteristics of states, such as size of population, urbanization, wealth, and education (see, for example, King 2000; Moncrief 1988; Mooney 1995; Roeder 1979; Squire and Hamm 2005). I use current census data for state population, percent urban population, percent college educated, and state median family income as independent variables to explain variation in legislative capability scores. I also include state gross domestic product (GDP) for a second measure of state wealth. I hypothesize that each of the demographic and socio-economic variables will be positively correlated with the legislative capability index scores reported in Table 1. Larger, urban, wealthier, and more-educated states are more likely to enhance the capabilities of their state legislatures than are smaller, less urban, poorer, and less-educated states. Big, diverse, urban states tend to have big, diverse political, social, and economic problems with which the legislature must deal. A more capable state legislature might be viewed as a means to deal with such problems. Wealthier states find it easier than poorer ones to pay for the cost of



improvements in the state legislature. And college-educated persons might be expected to perceive positive benefits to the state from improvements to state government more so than might less-educated people.

The second hypothesis,  $H_2$ , states that political factors account for differences in state legislative capability scores. I label as political variables measures of state political subculture, public policy innovativeness, and political party competitiveness. The kinds of reforms that lead to increased legislative capability are more likely in moralistic political subculture states than in individualistic subculture states and particularly than in traditionalistic subculture ones. The moralistic political subculture is characterized by a generally-held view that government is a positive means to promoting the common good, thus a legitimate way to attack political, social, and economic problems. States that demonstrate greater innovativeness in adopting particular public policies are likely to show similar innovativeness in adopting reforms designed to enhance the capabilities of government institutions because both sets of innovations result from political decisions by the legislature. Finally, political party competitiveness has been found to be positively related to both the moralistic state political subculture (Morgan and Watson, 1991) and to policy innovativeness (Walker 1969). Two-party competition for legislative seats and the governorship might spur competition by the political parties to improve the capabilities of government institutions as a means of providing good government and thereby amassing a positive record of governance to present to the voters.

Scholars note the impact of political culture in the South (Woodard 2006; Blair and Barth 2005). Rosenthal (1973, 185) suggests that the most important conditions facilitating or impeding legislative reform are perhaps to be found in the political cultures of the states. Elazar (1966) identifies three such distinct state political subcultures: moralistic, individualistic, and traditionalistic. The moralistic political subculture, with an emphasis on government as a positive instrument for promoting the common good, would seem to facilitate reform efforts aimed at increasing the capacity for legislative governance. The individualistic political subculture's belief in limited government and the traditionalistic subculture's preference for maintaining and protecting the social, economic, and political status quo should hinder the reform of governmental institutions.

Sharkansky (1969) refines Elazar's categories by creating a political culture scale ranging from 1.00 (most moralist) to 9.00 (most traditionalist)

on which Minnesota receives a score of 1.00 while Arkansas and Mississippi score 9.00. Arkansas and Mississippi tie for the rank of most traditionalist among the 50 states, and are joined by Alabama (46<sup>th</sup>), South Carolina (47<sup>th</sup>), and Georgia (48<sup>th</sup>) among the most traditionalist states on Sharkansky's measure. For purposes of this research, I adopt Sharkansky's political culture scale and expect this variable to be negatively correlated with the legislative capability scores.

State political subculture has also been found to play a role in state public policy innovativeness. Walker (1969) speculates that state officials rely on neighboring states for cues in adopting public policies, consistent with Foster (1978) who finds that variance in American state innovation adoption rates appears to be associated with regional proximity even when controlling for similar economic and political factors.

Walker calculates innovation scores based on the adoption of 88 policies, Gray (1973) uses 12 public policies, and Savage (1978) uses 69 in calculating state innovation scores. Each of them ranks 48 states on a resulting innovation index, and finds that southern states have generally been the least innovative. Savage's study benefits from measuring state policy innovation over three historical eras. He reports that Georgia, Mississippi, and South Carolina have consistently scored in the lowest quartile of states on policy innovativeness since the nineteenth century. Savage (218) also remarks on the emergence of Florida and Tennessee as innovators in the later twentieth century. Walker ranked Mississippi last among 48 states on policy innovativeness, with Texas (44<sup>th</sup>) and South Carolina (45<sup>th</sup>) among the bottom five. I use Walker's policy innovativeness scores for the southern states, hypothesizing a positive association with the 2010 legislative capability scores.

Walker's policy innovation scores were based on policies enacted before 1966, Gray's on policies before 1969, and Savage's on public policies adopted before 1970. Southern states that score higher on policy innovativeness prior to the 1971 publication date of *The Sometime Governments* should score higher on the legislative capability index scores which are based largely but not exclusively on actions undertaken since 1971. Similarly, southern states that scored low on policy innovativeness are expected to score low on the technical innovations of legislative capability. Logically, however, an increased capacity for legislative governance might well lead to increased public policy innovation. Thus, to the extent that some southern states met some of the conditions for legislative capability before 1971, the limited

legislative reforms might have enabled the policy innovations in particular southern states.

Other analysts of the legislative reform movement suggest a central role for political factors, particularly political party competitiveness (Gove 1973; Rosenthal 1973; Squire 1992b).

For a measure of political party competitiveness, I use Ranney's index of interparty competition averaged across the period 1956-2006, as computed by Ranney (1971) for 1956-70 and by other scholars for subsequent years (see Hill and Mladenka 1996; Bibby and Holbrook 2004; and Holbrook and La Raja 2008.) Ranney's index is actually a measure of control of government (Holbrook and La Raja, 83), with high values indicating Democratic Party control of the governorship and both houses of the state legislature. Ranney's index of interparty competition shows that Florida, Tennessee, and Virginia had moved away from one-party Democratic status during the years 1956-70. Alabama and Mississippi remained one-party Democratic states from 1956-70, as they had been during the years 1946-52 (Hill and Mladenka, 74).

## **Descriptive Findings**

Three state legislatures in Table 1 (Virginia 23.0, Tennessee 22.0, and Florida 21.5) are each more than a standard deviation above the average legislative capability score for the South in 2010 (mean = 16.7, standard deviation = 4.3). At the other end of the scale, the Alabama and Mississippi legislatures score more than one standard deviation below the mean. As of 2010 Alabama had implemented only 11 of the 25 selected CCSL recommendations from 1971, and the Mississippi legislature had adopted only 10. In key respects these two state legislatures remain largely unreformed four decades after the CCSL recommendations were published. The authors of the CCSL report estimated that these and other recommendations could reasonably be implemented in a period of five or six years (Burns, 33). I explore the reasons for lack of reform in these two legislatures in this section which compares them to the three standout state legislatures in the South: Virginia, Tennessee, and Florida.

### ***The Standout Southern State Legislatures: Virginia, Tennessee, and Florida.***

While the Florida legislature ranked among the best in the nation in 1970 and continues to be highly capable institutionally in 2010, the Tennessee and Virginia legislatures built their institutional capacity mostly during the decade following the publication of the report of the Citizens Conference on

State Legislatures. Both state legislatures have complied with recommendations to use single-member districts, increase compensation for legislators, create management committees, reduce the number of committee assignments, add committee staff, add space for legislative service agencies, and strengthen support staff for research, fiscal analysis, and bill drafting.

The Citizens Conference report came at a time when the Virginia General Assembly was conducting its own self-study. According to the Virginia Division of Legislative Services, from 1968 through 1975 the state's Legislative Process Commission brought about more changes than had been made during the previous 200 years. In 2000 the Joint Rules Committee contracted with the National Conference of State Legislatures for a study aimed at producing further recommendations for improvement.

Though Florida was already in compliance with nearly all the 25 selected recommendations in 1970, the legislature has greatly improved facilities for legislative service agencies, committees, and the news media with the construction of a 22-story skyscraper legislative office building in 1977. New construction at the Tennessee capitol complex in and after 1971 and renovations in the late 1980s similarly improved these aspects of the legislature, as did comparable efforts in Virginia. In 1977 the Virginia General Assembly moved into a building across the street from the Capitol that now houses all the legislative service agencies, offices for legislators and personal staff, and committee rooms. A new underground addition to the Virginia Capitol constructed during 2003-07 increased the working space by about a third.

The three standout state legislatures in the South are notable for the capabilities of committee staff. In Tennessee, committees in both chambers have research analysts who serve in positions called committee staff directors in Florida and team leaders in Virginia. The result of professional committee staffing is greater understanding of issues, internal expertise for legislators to draw upon, the development of institutional memory, and independence from information provided by lobbyists and special interest groups (Southern Legislative Conference, 1998, 16).

This level of committee staffing stands in sharp contrast to the situation in the southern state legislatures at the bottom of the legislative capability index. In the Alabama legislature, research and legal staff do not have committee responsibilities; clerks are provided to committees, but their responsibilities are clerical and administrative. In the Mississippi legislature,

all the analysts are on the fiscal staff only. The Mississippi legislative legal staff serves the committees, but each staff attorney has responsibility for several committees.

***The Least Reformed Southern Legislatures: Alabama and Mississippi.*** The ways in which the Alabama and Mississippi legislatures together remain largely unreformed as of 2010 include:

- No independent power to call special sessions; only the governor can do so.
- Too many committees and too many committee assignments.
- Little or no role for the standing committees during the interim.
- Legislative powers for the lieutenant governor.
- Little staff support for committees, legislative leaders, or rank-and-file members.
- Poor facilities for committees, legislative service agencies, and the news media.

The CCSL report recommended 10-15 committees in each house of the legislature, parallel in jurisdiction. During the 2010 regular session there were 25 standing committees in the Alabama House of Representatives and 24 in the state senate. The Mississippi legislature has more standing house and senate committees than any other legislature in the South. There are currently 46 standing house committees and 43 standing committees in the senate. The 122 members of the Mississippi House of Representatives average more than five committee assignments each; the average for the 52-person senate is 8.5 committee assignments.

Alabama is notable for having one of the smallest legislative staffs in the region, second only to Mississippi (SLC, 10). Yet the staffs are larger than the situation described in 1971, when the Mississippi legislature did not employ any full-time professional staff people in any capacity (CCSL, 219), and the entire professional staff of the Alabama legislature was made up of four professionals in the Legislative Reference Service (CCSL, 102). Part of the reason that the Alabama legislature can maintain such a small professional staff even today is that committees are staffed by clerks, with research and legal staff available on-call through the Legislative Reference Service. Committees very seldom request research or issue reports.

Mississippi has long maintained the smallest legislative staff in the South. Separate house and senate legislative service agencies provide

research and bill drafting. The Senate Legislative Services Office is composed of five attorneys, including the director; three full-time legal secretaries, one part-time secretary, and two part-time proofreaders. House Legislative Services has eight attorneys, including the director; three legal secretaries and one general secretary; and several proofreaders. Each staff attorney in the Mississippi House will work for up to four standing committees; Senate staff attorneys may be assigned up to seven committees. Only the Senate Appropriations committee has a full-time analyst (NCSL, *Legislative Staff Services Profiles*, 100). Alabama House members are provided secretarial support from a secretarial pool of unspecified size. Mississippi senators are provided secretarial support at a ratio of one secretary per five senators. On the House side, the common practice is one secretary per 10 Mississippi state representatives (NCSL, *Personal Staff for Members*, 4).

The Alabama and Mississippi legislatures have dreadful physical facilities. Most Mississippi legislators do not have offices. The Mississippi House of Representatives has only eight committee meeting rooms to be used by more than 40 committees. The Mississippi Senate has only three committee rooms, and only eight of the more than 40 committees hold regularly scheduled meetings. Room 103, where the House Transportation Committee meets, is typically tiny – with several tables arranged in a horseshoe configuration. Too few chairs are provided given the size of the committee, with little extra seating available for staff, the public, or the news media. Committee facilities are only slightly better for the House Appropriations and Ways and Means committees, which meet in separate wings of what was once the State Library, and for Senate Finance and Senate Appropriations which meet in the old Supreme Court chamber.

Alabama's legislators also face severe space constraints for committee meetings and public hearings. The legislature is temporarily housed in what was originally the State Highway Department Building, built in 1963. The temporary arrangement has been in existence since 1985, when the State Capitol building underwent renovation. Though renovation was completed in 1992, the Alabama legislature chose not to move back. Public areas in the legislative building are quite confined, and are more crowded during legislative sessions than those of any other southern state legislature.

While Alabama legislators at least share five-person office suites, the building itself is in bad shape. Then-House Minority Leader Mike Hubbard (R-Auburn) described the ageing building: "It's moldy, it's musty, it has leaks in the roof and flooding in the basement" (*Southern Political Report*,

May 2009). Indeed, the basement and first floor flooded in May 2009, adding to the chronic mold problem caused by previous flooding.

I have described major differences between two groups of southern state legislatures. The legislatures in Florida, Tennessee, and Virginia meet nearly all the conditions of legislative capability. At the same time, however, legislatures in Alabama and Mississippi have remained unreformed in many important ways. What explains the differences in the extent of reform among these and other southern legislatures?

### Explanatory Findings: The Correlates of Legislative Capability

Table 2 displays the correlations between the independent variables and the legislative capability scores from Table 1 and suggests confirmation of the hypotheses. State population is positively, but not significantly correlated with the legislative capability scores of southern states. As Squire and Hamm (2005, 86) note, what matters is not really population, but rather the wealth a large state population generates. Large populations generate more income that can be used to finance the legislature, and the costs are spread across more people.

**Table 2. Correlation Between Selected Variables and Legislative Capability Index Scores**

Independent Variable	Pearson Correlation
Population	+0.196
Percent urban population	+0.554*
Percent college educated	+0.672*
Median family income	+0.624*
State GDP	+0.651*
State political subculture	-0.415
Policy innovativeness	+0.599*
Political party competitiveness	-0.589*

Note: \* denotes statistical significance at the .05 level for a one-tail hypothesis test.

The measures of state wealth, median family income and state GDP, show large positive correlations with state legislative capability. Additionally, a measure of state tax capacity for 1967 published by the Advisory Commission on Intergovernmental Relations (ACIR 1982) showed Alabama and Mississippi at the bottom of the list of 50 states. The same measure compiled by ACIR for a second, and last, time in 1985 found

Alabama, Arkansas, and Mississippi with the lowest tax capacity among the American states (ACIR 1985).

The Rim South states having the most-reformed legislatures (Florida, Tennessee, and Virginia) are generally bigger, richer, more urban, and more educated than the Mid-South states and particularly the Deep South states of Alabama and Mississippi. Not surprisingly then, the kinds of state demographic variables that scholars have found to be associated with advances in state legislative professionalism also mark variation in the extent of compliance with the CCSL recommendations among states in the South.

Among the political variables, state political subculture shows the hypothesized negative correlation. Generally, the more traditionalistic the state's political subculture in the 1960s the fewer the CCSL recommendations adopted over the years since — though the variable fails to achieve statistical significance in the analysis.

Policy innovativeness also shows the hypothesized direction of relationship. I interpret the significant positive correlation as generally indicating that a southern state legislature's propensity for policy innovation is matched by an inclination for the technical innovations of legislative reform. Similarly, a relative lack of innovativeness in public policy will generally be matched by a legislature's lack of internal reform.

Political party competition over time also appears associated with legislative capability in southern states. The negative correlation is in the expected direction since higher scores on Ranney's measure of interparty competition indicate more one-party Democratic dominance of state politics. One-party regimes the world over have historically resisted reform in favor of protecting the status quo and serving the interests of entrenched political and economic power. Competitive political parties are the antidote to this particular political stagnation, as V.O. Key surmised about the American South more than a half century ago. A non-southern example is provided by Rosenthal (1973, 185), who notes that often a drive to strengthen a legislature follows upon the heels of a change in control of government. His example is the shift in party control of the executive and legislative branches in Wisconsin. Republicans had dominated, controlling the legislature as well as the governorship from 1939 to 1959. In 1958 Wisconsin voters elected Democrat Gaylord Nelson governor and gave Democrats temporary majority control of the legislature. After that, partisan politics in the state was highly competitive. Rosenthal (186) points out that the confrontation



between a Democratic governor and a Republican legislature during the early 1960s prompted the drive for a stronger Wisconsin legislature.

The same general reaction followed the election of the first Republican governors since Reconstruction in Florida in 1966, Virginia in 1969, and Tennessee in 1970. The Democratic-controlled legislatures in those states quickly set about reforming their governing institutions in order to counter the executive. Democrats in the Florida legislature had the added impetus of federal court-ordered elections in 1967 to conform to the new apportionment following the Supreme Court's "one man, one vote" decision. Reapportionment moved electoral control of the legislature from rural, sparsely populated north Florida to the rapidly growing cities and towns of central Florida and the southern part of the state. A larger number of Republicans were elected to the Florida legislature than ever before in 1967. Gatlin (1973, 42) argues that the spate of legislative reform that followed in Florida shows that innovations in a legislature may be stimulated by changes in the external environment of the legislative system.

## **Conclusion**

Many of the southern state legislatures were embarrassingly bad in 1970, as seen in the published report by the Citizens Conference on State Legislatures. At that time most southern legislatures ranked among the worst in the nation in terms of effectiveness: functionality, accountability, information, independence, or representation. Many southern legislatures were comfortable sinecures for white, conservative, mostly rural Democratic politicians who were content to follow the lead of like-minded Democratic governors. A traditionalistic political subculture and a lack of policy innovativeness contributed to the staid, stale politics of legislatures remarkable only for how incapable they were.

The reapportionment revolution set in motion in the mid-1960s brought many more urban legislators to office and marked the beginning of the end for the conservative, rural factions that had long dominated the southern legislatures: the Pork Chop Gang, the Byrd machine, and the Barnwell Ring among them. While old-style, traditionalistic legislative leaders continued to prevail in some southern states, in other southern legislatures new legislative leaders initiated reforms based on the CCSL recommendations and in-house studies of legislative capability. Southern state legislatures are markedly more technically capable today than they were four decades ago. The southern states that moved toward two-party competition first also moved

toward legislative reform first, and the legislatures that moved to reform first have reformed the most.

The response of the southern states to the nationwide legislative reform movement in the wake of the publication of *The Sometime Governments* is important to the citizens of those states in terms of the public policy decision making capabilities of their legislatures. The outcome of the legislative reform movement in the South is also important to scholars of state legislatures in explaining why some legislatures have embraced reform while others remain largely unreformed. Future research on state legislatures might profit from the same or similar methodology employed in this study to discover the extent to which other, non-southern state legislatures have adopted most of the CCSL recommendations or whether they remain largely unreformed.

Technical capability is not the same as competence, of course. And the capacity for legislative governance may remain unused capacity by legislators collectively content to remain subordinate to the executive or to the interest groups in the state. To this extent, the quality and character of state legislators, party organizations, and legislative leaders are more important in the performance of legislatures than are the technical and procedural reforms that comprise legislative capability. And though these structural and procedural arrangements may increase the likelihood of the legislature dealing competently and responsibly with public policy problems, a seemingly highly capable state legislature may nevertheless offer only disappointing performances of duties.

It is striking that, after four decades, some southern state legislatures have not yet enacted as many as half of the recommendations put forth in *The Sometime Governments*. The recommendations are, after all, best practices of state legislatures that remain as valuable to the capacity for legislative governance now as they were forty years ago. Meanwhile, particular southern state legislatures can take pride in improving their governing capabilities. The capacity for legislative governance in the South is now as remarkable for its presence as it once was for its absence.

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