"Coupling" Policy Agenda Research and Legislative Institutions: An Exploratory Analysis of State House Speaker Power and Punctuated-Equilibrium

"Coupling" Policy Agenda Research and Legislative Institutions: An Exploratory Analysis of State House Speaker Power and Punctuated-Equilibrium

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In this paper, I explore the application of policy agenda research to institutional change in state legislatures, focusing on state house speaker power. I first examine whether changes in state house speaker power are characterized by incrementalism or punctuated-equilibria. I then explore changes to speaker power in one state — Arkansas. Finally, I test hypotheses derived from the Arkansas case in OLS models of speaker power change across states.

Introduction

In 2006, Speaker Jim Black of the North Carolina General Assembly's House of Representatives announced that he would not run again for the speakership. Black had been accused—and would ultimately be convicted—of bribery. He had used his powers as speaker to control committee actions in the House in an attempt to pass legislation supported by three chiropractors who had given him more than $29,000 in cash. Speaker Black had reportedly used loyal standing committee members to help pass legislation. He also deployed so-called committee floaters who were loyal to the speaker and could show up and vote in any committee (Cooper and Notts 2008, 279). The North Carolina House of Representatives, with the blessing of the newly-elected speaker, passed rule changes to curb the power of future speakers (Kane 2007; Observer Staff 2007). In the case of North Carolina's House of Representatives, a major scandal involving the speaker spurred major changes to the power of the speaker.

The rule changes following Speaker Black's departure from his position were substantial and decreased the power of future speakers in the North Carolina House. Extant theories of legislative institutional design applied to states have not explicitly focused on the magnitude of change in legislative institutions and leadership power.

Over the last few decades, political scientists have devoted considerable attention to the power of state house speakers. Theories of party legislative organization, stemming from the examination of Congress, seem to have motivated researchers from the 1990s to the present to focus greater attention on the study of state house speakers. Major studies of speaker power attempt

to test party theories developed for Congress in new venues—state legislatures. Both Conditional Party Government (CPG) and cartel theory posit that party members delegate power and authority to party leaders to help them achieve collective goals (Cox and McCubbins 1993; 2005; Rohde 1991). In essence, party leaders and the Speaker of the US House may serve as principals of their party members (Clucas 2001; Sinclair 1999).

Legislative researchers have attempted to extend these theories of national legislative organization to the states. Clucas (2001) develops a measure of formal state house speaker strength and finds that competitive majority parties delegate more power to their speakers than chambers with less competition, a finding consistent with cartel theory. Central to cartel theory, party leaders, often the speaker, use powers delegated to them to help win reelection of members and gain or maintain majority status. Richman's (2010) analysis of speaker power reveals that speakers are granted additional powers when parties are polarized and are faced with a more difficult policymaking environment. This finding is consistent with CPG, which suggests that polarized parties will enhance the power of their leaders.

Previous applications of principal-agent leadership models applied to state legislatures have not adequately accounted for the magnitude of institutional changes or the decision-making processes which have led to those changes. In seminal research for both CPG and cartel theory, the authors implicitly suggest that periods of relative stasis are interrupted by major changes that take place in legislative chambers. Cox and McCubbins (2005, 55-73), for example, describe the adoption of Reed's Rules in the US House of Representatives as a period of significant change in that institution, which strengthened the speaker and the majority party. Likewise, Rohde (1991) describes the 1970s as a period of major transition for majority Democrats in the House with changes that altered the power of the speaker. Aldrich and Rohde (2000) describe the substantial impact that Newt Gingrich had on the speakership and the House Appropriations Committee. Indeed, examples such as these are common features of party government in the Congress literature. Given the use of examples of major institutional changes found in the Congressional literature, it is possible that lower chambers in state houses, too, may have experienced similar periods of significant change. The examination of the rate of institutional change in state legislatures could provide insights into the opportunities and impediments to changes to the power of speakers in state legislatures.

In this paper, I extend elements of policy agenda research to the study of institutional change in legislatures. Punctuated-equilibrium theory, which attempts to describe the rate of change and the underlying causes of stasis and change in policymaking, may prove useful for the analysis of changes to speaker power. Additionally, if periods of stasis are punctuated with radical shifts in speaker power, then focusing events, a concept employed in policy agenda research, may help explain such large-scale changes.

The application of elements of policy agenda research to changes in speaker power in this paper is exploratory. I am outlining some deficits in the literature and providing a loose framework, which may prove insightful, for future analysis of change in state legislatures. After analyzing the distribution of speaker power change across states, I turn to one case—the case of the Arkansas House of Representatives—to flesh out hypotheses. Finally, I provide an initial test of some of the implications of this framework in OLS models.

Data and Methods

Before delving into each of the three steps of the analysis undertaken in this research note as described above, it may prove useful to first broadly outline the data and methods used here. Each section does contain more specific information relevant to that portion of the analysis, much of it contained in explanatory footnotes. For each portion of the analysis, I reference or use exclusively Mooney's (2013) index of formal state house speaker power. The index is available for biennia from 1981 to 2010. The index is calculated using information available in the *Book of the States*—power over standing committee chair appointments, standing committee assignments, chamber leadership appointments, bill referral, and control over legislative committee staff (Mooney 2013, 270). Mooney's index is moderately correlated with cross-sectional measures of speaker power, such as Clucas's (2001) index.

Mooney's index is a measure of formal power, that is, power that stems from changes to rules, laws, constitutions, etc., what may, in part, be called "institutional context" (Cooper and Brady 1981). Some speakers, however, may be more powerful or weaker than their formal powers indicate (Battista 2011). It is possible that speakers enjoy enough informal power that changes to formal powers are unneeded. It is also possible that informal norms place constraints on the power of some state house speakers. For instance, formally, in Arkansas's state house, the speaker could serve multiple terms;

however, a one-term norm has developed, which most speakers adhere to. Also, it is possible that speaker power extends beyond the five components of Mooney's index, and the index may not accurately track all changes in speaker power. Despite these potential problems with a measure of formal power, the examination of formal powers of state house speakers may yield valuable insights into legislative organization.

In the first section of this paper, I describe punctuated-equilibrium theory and its application to the study of state house speaker power. Consistent with other applications of punctuated-equilibrium theory in political science, I conduct a distributional analysis of state house speaker power across all states, save Nebraska and those with odd year elections, from 1981-2010.

In the second section of this research, I flesh out hypotheses using one case—the Arkansas House of Representatives. I identify two punctuations in state house speaker power in the Arkansas House. For this analysis, I rely on a mix of interviews conducted in March and April of 2017 with House Parliamentarian Buddy Johnson and Speaker Jeremy Gillam and secondary sources.[1]

In the third section of this paper, I estimate several Ordinary Least Squares regression models of state house speaker change, testing hypotheses derived from the Arkansas case across all states. Because of limitations in the data, I confine the models from the biennia 1995-2010. The models estimated include variables representing diffusion, term limits, electoral competition, state unemployment, legislative professionalism, chamber size, and population.

Punctuated Equilibrium

For several decades, political science researchers have examined the rate of change in public policy. Policy scholars long contended that policy change was incremental (Lindblom 1959; Wildavsky 1964). Based on the work of Simon (1959) and Lindblom (1959), incremental change was viewed as the result of rationally bounded decision-making. Smith and Larimer (2009, 53) assert that Lindblom's notion of muddling through is simply Simon's theory of satisficing in action. Lindblom asserted that policy makers made changes

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[1] Interviews were conducted with oversight from Henderson State University IRB (study number 1026180-1).

in policy at the margin, incrementally, based on previous experiences (successive limited comparisons). As Jones and Baumgartner (2005, 326) describe it, "[i]ncrementalism is a random walk through time. This is the case because today's decision is an adjustment of yesterday's."

The problem with incrementalism, according to some students of policy change, is that it only tells part of the story. Changes in public policy are usually incremental, but occasionally there are considerable spurts of change (Baumgartner and Jones 1993). Periods of relative stasis are created by policy monopolies which have interests in maintaining the status quo. Policy monopolies maintain their control over a given policy area, in part, by fostering positive images of the policy. If an alternative policy image gains traction among important, powerful groups, agencies, etc., then new actors may mobilize and break the policy monopoly (Baumgartner and Jones 1993, Ch. 1). When this occurs, there could be a burst of policy change.

Punctuated equilibrium may be the result of both negative and positive feedback processes, operating at different times (Baumgartner and Jones 1993; 2002). Negative feedback makes significant change more difficult. Negative feedback in policymaking may result from several sources — counter-mobilization by affected interests, diminishing returns, and bounded rationality decision-making, among others (Baumgartner and Jones 2002, 8-13). Jones, Sulkin, and Larsen (2003) describe a type of negative feedback they call institutional friction, a term which refers to decision costs for collective action in political institutions. They find larger punctuations in institutions with higher levels of institutional friction. With positive feedback, minor changes can have dramatic results. Positive feedback may be the result of cascades, bandwagons, and positive returns, ultimately causing large-scale change (Baumgartner and Jones 2002, 13-16).

According to Baumgartner and Jones (2002, 15), in politics, positive feedback generally emerges from two sources — attention shifting and mimicking. Attention shifting means that policymakers focus on a different dimension of an issue. For example, Dwight Eisenhower recast the national highway debate to focus on national security instead of economic development. Significant change may result from focusing on a previously ignored dimension of a problem or issue. The other source of positive feedback emerges from mimicking. Actors take cues from one another and replicate the actions of others. Broadly speaking, it could be that policy makers observe the effects of policies elsewhere and decide to adopt similar policies. This kind of relationship is consistent with diffusion and innovation

(Berry and Berry 1990; Walker 1969). Both Mooney (1995) and Squire (2012) have found support for a type of diffusion in institutionalizing and/or professionalizing reforms in state legislatures.

Both positive and negative feedback associated with punctuated equilibrium theory may extend to changes to state house speaker power. In accordance with methods typically employed by students of punctuated equilibrium theory, I next examine the distribution of change in state house speaker power.

An Examination of Speaker Power

Punctuated equilibrium scholars have examined the distribution of change across different policy areas and institutions to identify whether they are characterized by incrementalism and dramatic change (Jones, Sulkin, and Larsen 2003; True, Jones, and Baumgartner 2008). If the frequency distribution of changes in state house speaker from one biennium to the next is characterized only by incrementalism, then the distribution should be approximately normal. Indeed, as Jones and Baumgartner (2005) note, "any time we observe a non-normal distribution of policy change, we must conclude that incrementalism cannot have caused it"(121). If, on the other hand, changes in state house speaker power are characterized by stasis, incrementalism, and punctuations, then the distribution of the change in state house speaker power should be leptokurtic. Most observations will show no change or some small change with a few observations that are relatively large. Put another way, the distribution should feature a high peak around 0 with wide tails.

Figure 1 is a histogram of change in state house speaker power on the Mooney index across states for the biennia 1981 to 2010. As the plot shows, most legislatures do not change their speaker's powers from one biennium to the next. This indicates strong negative feedback processes at work in lower state houses. The distribution appears non-normal and leptokurtic with a high peak around zero and wide tails, indicating the presence of stasis,

Figure 1: Histogram of State House Speaker Power Changes Across US States, 1981-2010
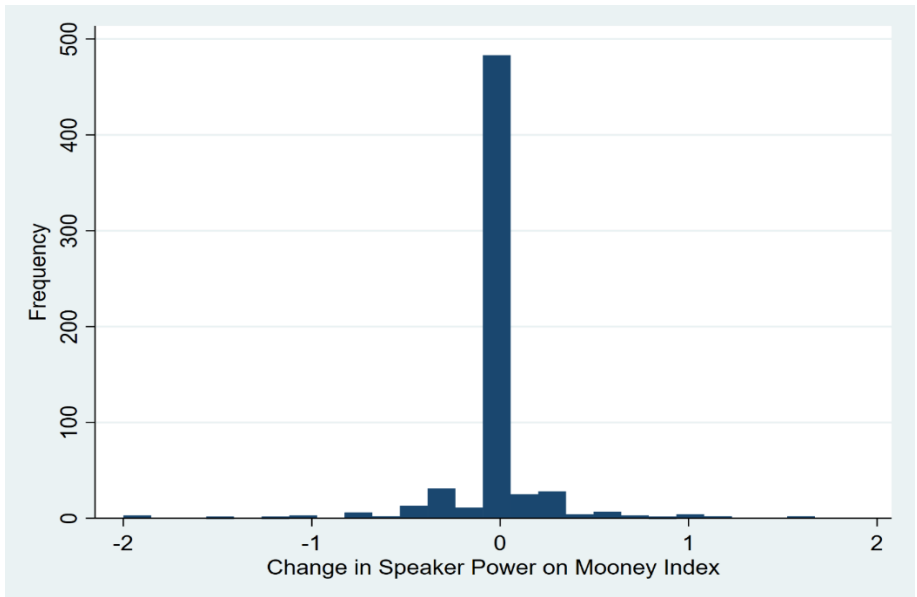
incrementalism, and punctuations.[2] It should be noted, however, that speaker power does not change often, and when it does, the changes are more likely to be incremental than punctuated. This is not wholly inconsistent with punctuated equilibrium theory, but because of the relative rarity of punctuations in the distribution, punctuated equilibrium theory should be combined with other explanations to help explain the variation in state house speaker power.

Speaker Power, Windows of Opportunity, and Focusing Events

While somewhat rare, it is still important to attempt to explain major changes in state house speaker power, what accounts for dramatic changes in speaker power? It is possible that changes in the power of state house

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[2] The results from the Shapiro-Wilk W test for normality indicate that the null hypothesis that the data are normally distributed should be rejected. Stata's sktest uses D'Agostino, Belanger, and D'Agostino's (1990) tests for normality, one of which is a test of kurtosis. Results from the test indicate that the null hypothesis that the distribution is not kurtotic should be rejected. The coefficient of kurtosis is 23.2. For reference, a normal distribution would have a kurtosis coefficient of approximately 3. A lower coefficient means that the distribution is flatter, whereas a higher value indicates a steeper peak. 23.2 indicates a very high peak.

speakers may be more likely to occur following a major event, which may help move rule changes affecting the speaker up on the agenda. Generally, agenda space is limited for policymakers. Certain events may draw the attention of legislators to an area of policy or institutional reform that had not previously been on the agenda or had been lower on the agenda. This is consistent with serial information processing; the system can only address a limited number of issues at a time. Natural disasters, catastrophes, and other crises may serve as focusing events.

Kingdon (2011, 95) describes focusing events as events to which policymakers must pay attention. Examples include the Deepwater Horizon oil spill (Bishop 2014) and the terrorist attacks of September 11, 2001 (Birkland 2004). Birkland (1997) offers the following definition for a potential focusing event:

> an event that is sudden, relatively rare, can be reasonably defined as harmful or revealing the possibility of potentially greater future harms, inflicts harms or suggests potential harms that are or could be concentrated on a definable geographical area or community of interest, and that is known to policy makers and the public virtually simultaneously (22).

In streams theory, which also describes focusing events, focusing events are usually part of the problems stream. Focusing events can help raise an item up the agenda and/or may help open a window of opportunity. A window of opportunity is most likely to open if all three streams—problem, politics, and policy—are coupled. While this is the ideal scenario for a policy entrepreneur interested in change, it does not always occur and may not be necessary to open a window of opportunity. It is also possible that only two streams are coupled and a window of opportunity opens (Kingdon 2011).

It is possible that focusing events could also draw the attention of legislators to institutional reforms within one or both chambers of the legislature. An event may cause legislators to view an existing rule in a different way (on a different dimension), which may move rule changes up the list of legislative concerns for a given biennium and a window of opportunity may open for change. The concomitant change could be incremental or punctuated.

The criteria for an event, which may move institutional reform up the agenda, may not be the same as Birkland's definition of a focusing event. Institutional reform, while often public, may not be as salient to voters and

policy communities as changes to policy. Using Cobb and Elder's (1971) distinctions between agendas, an event may raise the profile of institutional reform on the institutional agenda but not on the systemic agenda. For instance, an event which leads to greater institutional challenges may necessitate reform; however, the public may be largely unaware of this event or the concomitant challenges imposed on the members of the institution. Also, in contrast to Birkland's characterization of focusing events, the number of people affected by an event may be relatively small. It is possible that the effects of an event are largely concentrated on members of a single legislative chamber, and those effects may be enough to raise institutional reform on the agenda but not raise public awareness of a problem or set of problems.

Change and Stasis in the Arkansas House of Representatives

In this section, I examine changes in speaker power in one legislature--the Arkansas House of Representatives--using extant theories of legislative organization as well as the incorporation of policy agenda concepts. The Arkansas House was chosen, in part, out of convenience (both secondary sources as well as interviewees were accessible) and, in part, because it includes two punctuations. While King, Keohane, and Verba (1994) recommend against selection on the dependent variable, most qualitative research methodologists do not believe this is problematic in certain applications or types of analyses (Collier, Mahoney, and Seawright 2004; Gerring 2004; Seawright and Gerring 2008). As George and Bennett (2005) note, case studies may prove useful for identifying hypotheses and causal mechanisms. If the purpose of a case study is to generate hypotheses for further testing, then selection on the dependent variable poses little risk to causal inference later in the research, given that hypotheses are tested on additional data. Later in this research note, additional cases and data are used to test hypotheses identified in the Arkansas case.

I examine the period from 1992 to the present for this analysis. During that time period, two punctuations occurred in the power of the speaker, one in late 1994 and one in 2017. The rest of this period is marked by relative stability.

Term Limits and Speaker Power in the Arkansas House

Amendment 73, ratified by Arkansas voters in 1992, limited the tenure of legislators in the House to three 2-year terms and legislators in the Senate to two 4-year terms. The new term limits took effect in the 1998 election for the 100-member House of Representatives and in the 2000 election for the 35-member Senate. The term limits passed in 1992 were the most stringent in the country.

Prior to reforms in the 1990s, both the House and Senate had strong seniority systems. In the House, committee chairmanships, vice chairmanships, and committee assignments were based on seniority. Newly-elected members to the House were expected to play very small roles in the operation of the chamber (Tennille 1995, 22A). Like the textbook Congress, power resided in strong committee chairmen, exercising a great deal of influence over their policy fiefdoms.

In contrast to the power of committee chairmen during this time period, party positions and structures were not very relevant to the legislative process. The position of Speaker of the House was largely ceremonial (English and Weberg 2004; Oakley 1995). The position often went to one of the longer serving members of the House, and he was given few powers. Moreover, by tradition, speakers only served one 2-year term.

The Democratic Caucus as an organization was virtually defunct and between the late 1970s and 1995 had met only once (Oman 1995, 1B). The majority leader was another position that was ceremonial, and the title was simply given to the most recent former speaker. The Arkansas House did not have a strong majority party leader because it did not need it. Democrats controlled the Arkansas House and Senate from Reconstruction until 2013. For most of that time period, Democrats thoroughly dominated the two chambers. If Republicans had a great election year, their seat total in the 100-member House may climb into double digits (Dubin 2007). V.O. Key's (1949, 181) description of Arkansas as having a "one-party system in its most undiluted and undefiled form" was almost certainly generalizable to the Arkansas House of the early 1990s.

The passage of term limits by Arkansas voters seemingly disrupted this system and provided the impetus for substantial rule changes in the House (Blair and Barth 2005, 215; Caldwell 1995). With the imposition of term limits, seniority may no longer have been a viable criterion for the selection of standing committee chairmen, vice chairmen, or for committee

assignments. Since seniority could no longer serve as the sole criterion in the selection of future committee chairman and vice chairman or to award committee assignments, Arkansas legislators had to come up with an alternative. That alternative was detailed in formal rule changes proposed by incoming Speaker Bobby Hogue and passed by the House in December of 1994.

The ratification of the term limits amendment may have served as a focusing event. The old seniority system was no longer viable, and members of the Arkansas House would need to, sometime prior to 1999, come up with reforms to replace this system. Using streams theory, a focusing event had created a change in the problems' stream, and a change also took place in the politics stream. As Kingdon (2011) points out, changes in personnel may influence the politics stream. Because of the informal norm that Arkansas House Speakers only serve one term, a new speaker, Bobby Hogue, was elected to the position. Hogue was elected to the speakership by a coalition of legislators who were left out of the old system, and with term limits, would not have a chance to attain leadership positions (Dean 1995).

The incentives for members of the House may have changed due to term limits. Prior to the passage of term limits, members of the House may have been more concerned with reelection. They also could count on a chance to advance into the leadership if they stayed in the chamber long enough. As House Parliamentarian Buddy Johnson suggested to me, members of the House with low or middle levels of seniority could no longer count on waiting their turns in order to obtain a committee chairmanship, as many of them would be forced to retire prior to 1998.[3] If one of these House members aspired to the limited number of leadership positions in the House, then the seniority system was a major impediment to achieving that goal. This observation is consistent with Kousser's (2005) assertion that the adoption of term limits may reprioritize Fenno's (1978) three major goals for legislators. In this case, reelection was no longer the primary concern of soon-to-be termed out legislators, and opportunities for advancement may have grown in importance.

The effects of the 1994 rule changes diminished the power of committee chairmen, who had dominated the Arkansas House prior to these changes, and strengthened the power of the speaker. 30 new subcommittees were created for the standing committees, each with its own chairperson (McCord

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[3] Personal interview, March 8, 2017.

1995, 40), dispersing power in standing committees and allowing for the participation of more members. The new rules also prohibited members from chairing more than one standing committee, a reform which would also prevent the accumulation of power in a committee leader. Rule X was amended so that the speaker now had the power to choose standing committee chairmen and vice chairman although it removed his power to make standing committee member assignments. It also gave him the power to choose all members on select committees. Congressional District Caucuses (each caucus was comprised of Arkansas House members whose districts fell into that Congressional District), not the speaker, were responsible for standing committee assignments. The effect, noted by observers of the Arkansas General Assembly, was that the Arkansas Speaker greatly enhanced his powers and the powers of future speakers (Blair and Barth 2005, 215; English and Weberg 2004, 37-38). Interestingly, the cumulative effect on speaker power, under the Mooney index was essentially a re-shuffling, which resulted in a net gain of 0. This is, in part, the result of the Mooney index's exclusion of power over select committees. Nevertheless, observers of Arkansas politics note that these changes greatly enhanced the power of the speaker.

The conditions surrounding the strengthening of the speaker in 1994 comport well with the general principal-agent framework of CPG and cartel theory but not necessarily some of the more specific implications of each theory. Shor-McCarty (2011) scores in the House before and after the 1994 rule changes suggest that polarization is not the cause of rule changes which strengthened the speaker's power.[4] While the parties do become more polarized in the 1990s, there is little polarization prior to the rule changes, and thus little reason to believe that the strengthening of the speaker resulted from polarization. Additionally, under cartel theory, it might be expected that the majority party would grant additional powers to the speaker if their margin was slim; however, they held 88 seats in the 100-seat chamber. Thus, CPG and cartel theory, as alternative explanations to term limits, cannot adequately describe the changes that took place in the Arkansas House in 1994.

The passage of term limits by Arkansas voters could be described as a focusing event, which may have created a window of opportunity for

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[4] These scores are a measure of ideology, calculated using both roll call data from each state and survey results from the National Political Awareness Test (NPAT). Shor-McCarty scores allow comparison between legislative sessions as well as across the states.

institutional changes in the Arkansas House, ultimately leading to the passage of rule changes enhancing the power of the speaker. The passage of term limits may have changed the incentives for many members of the House, who supported the speaker candidacy of Bobby Hogue. He, in turn, was able to pass and implement rules, which fundamentally altered the power system of the Arkansas House. The rule changes themselves address the concentration of power in senior members of the House and provided a means for using alternative methods, chosen by the speaker, to promote individuals into leadership positions.[5]

Mimicking and Speaker Power Change

From the 1994 rule changes through 2016, few changes were significant enough to alter power relationships in the Arkansas House. Most changes were minor and relatively uncontroversial—examples include: restricting cell phone use during committee meetings and allowing certain visitors on the floor of the House. House Parliamentarian Buddy Johnson was unable to recall any substantial changes to the rules during this period.

This period of relative stability was punctuated by a major rule change in January 2017. Speaker of the House Jeremy Gillam successfully passed a change to House Rules, which would give future speakers the power to make assignments to standing committees. This change would alter the speaker's power by one unit on Mooney's speaker power index, from 1.96 to 2.96.

News coverage suggested that the rule changes were prompted by Democrats using the previous method of committee assignment to stack the Revenue and Taxation Committee, giving them a majority 11/20 seats on the committee, a sentiment echoed by Minority Leader John Gray (Moritz 2017). Ultimately, the Democratic majority on the Revenue and Taxation committee disappeared after several Democrats switched parties to join the Republicans, who held the majority of seats in the chamber, so the

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[5] Arkansas voters amended the Arkansas state constitution in 2014, providing less strict limitations on holding office in the Arkansas General Assembly. New limits would allow legislators to serve a total of 16 years in either chamber or split this time between the House and the Senate for a maximum of 16 years. The Arkansas House did not significantly alter its rules in response to this new change. While I do not have a definitive explanation for their lack of action, it does seem that this new change was far different from that of 1992. Put simply, the 1990s seniority system in the House was not workable in the near future and necessitated institutional change. The 2014 term limits amendment did not clash with the existing rules in the House the way that the 1992 amendment did.

Democratic advantage on the committee had disappeared prior to the enactment of rule changes.

Most Democrats voted against the changes while most Republicans voted for them. Both Speaker Jeremy Gillam and Parliamentarian Johnson disputed that the rules were altered in response to committee stacking by Democrats and suggested that the speaker would have altered the rules on committee assignments, regardless of this event.[6] In his account of the rules change, Gillam noted that he had thought about this type of reform over several years and had consulted with legislators in other states, and the Arkansas House was out of step with other lower chambers in terms of standing committee assignments.

Gillam specifically noted that the previous system of standing committee assignments often rewarded seniority (seniority was largely determined by lottery). He stated that giving future speakers the power to make committee assignments may mean that the skills and knowledge of legislators are better aligned to their standing committee assignments than in the previous system.

Rule changes in the contemporary Arkansas House are proposed by the speaker. Speaker Jeremy Gillam consulted with speakers in other states prior to passing changes to the House's rules. He recalled that at the National Speakers' Conference in Nashville, Tennessee how other speakers expressed surprise at Arkansas's method of making standing committee assignments (the method is described above as part of the 1994 reforms). The assertion made by Gillam that the Arkansas House was out of step with neighboring state lower houses in its standing committee assignment process is substantiated by an examination of lower state house procedures for making committee assignments. Out of the six states that border Arkansas, each one gives significant power to its speaker to make committee assignments.[7] Out of the 15 states, excluding Arkansas, designated by the Census Bureau as part of the South, only North Carolina does not give its speaker substantial power to make standing committee assignments.

Prior to drafting and proposing a new committee assignment system, Gillam continued to consult with other state house speakers and examined

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[6] Personal interview, April 25, 2017.

[7] All states, except Texas, give near exclusive power to the speaker to make standing committee assignments. Texas has a system that gives some power to the speaker but also uses seniority.

the method of committee assignments in neighboring states. Parliamentarian Buddy Johnson consulted with the American Society of Legislative Clerks and Secretaries and the National Conference of State Legislatures to see how other state legislatures dealt with standing committee assignments. The actions taken by both Speaker Gillam and Parliamentarian Johnson suggest that the power of speakers in other states over committee assignments influenced the rule change adopted by the Arkansas House.

The changes in speaker power in the Arkansas House are consistent with both mimicking and attention shifting. In the case of 1994 rule changes, a focusing event in the form of the adoption of term limits, led to the selection of a new speaker who engineered significant rule changes. In the case of the 2017 rule change, Speaker Gillam was prompted to change House Rules in order to better align the skills and knowledge of members with the jurisdictions of standing committees. He turned to other state houses for a new method of making committee assignments to supplant the old Congressional District method.

Diffusion and Term Limits

The Arkansas case raises two questions: Is state house speaker power influenced by other states? Does the adoption of term limits, a potential focusing event in some states, influence state house speaker power?

I estimate models of state house speaker power with the Mooney index as the dependent variable for 44 states.[8] Variables for chamber size, state unemployment, state professionalism, and polarization are included in the models, along with variables for diffusion and term limits.[9] *Polarization* is the absolute value of the ideological difference between the median Democrat and the median Republican in each state's lower chamber. Shor and McCarty (2011) scores are used to calculate this measure. According to CPG, as polarization increases, party leader strength (in this case state house speakers) should also increase. Cartel theory suggests that state house

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[8] Nebraska, with its unicameral, nonpartisan legislature, as well as states with odd-year elections are excluded from the analysis.

[9] Preliminary models, not reported here, also included a variable (Effective Number of Parties) measuring how closely each legislative chamber was divided between the two parties. Previous research generally used either an electoral competition variable or a measure of overall competition in the chamber (Clucas 2001; Richman 2010). Ultimately, I chose to include only electoral competition in the final models for the sake of parsimony. The exclusion of Effective Number of Parties did not impact the results.

speakers should be given greater power in states with more competitive elections. The Holbrook Van Dunk (1993) index is used as a measure of competition in state legislative districts.[10]

State population and unemployment are used as measures of external policy demands. Generally, it is expected that as these variables increase, state house speakers will be given additional power (Richman 2010). Both state *population* and state *unemployment* are taken from the US Bureau of Economic Analysis but were compiled from that source by other scholars.[11] *Chamber Size* is the size of a legislative chamber. It is expected that as size increases, speakers will be given additional powers to solve collective action dilemmas (Richman 2010).

Professionalism is a variable that incorporates salary, session length, and staff (Squire 2007). Bowen and Green (2014) create a multidimensional measure of professionalization. The first dimension is associated with more traditional measures of professionalism, such as the Squire (2007) index, and it also has the benefit of being available across time, unlike the Squire index.[12]

There is some debate in the literature on the measurement of term limits. The use of a dummy variable to indicate the presence of term limits may not be appropriate because not all term limits are the same—some states impose stricter limits on the tenure of legislators than others. I estimate models with dummy variables for implementation and adoption of term limits. I also estimate models using Sarbaugh-Thompson's (2010) measure of *term limitedness*, which is a continuous measure based on the impact that term limits would have on the forced retirement of legislators in a given state.[13]

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[10] Klarner, Carl, 2013, "Other Scholars' Competitiveness Measures", hdl:1902.1/22519, Harvard Dataverse, V1, UNF:5:we2ixYigyI3GVaDGKsU58A==

[11] Klarner, Carl, 2013, "State Economic Data", hdl:1902.1/20404, Harvard Dataverse, V

[12] I estimated models, which are not reported here, that included the second dimension of professionalism. The inclusion of the second dimension did not change the results of the models reported below.

[13] Sarbaugh-Thompson (2010) devises a measure of term limitedness by comparing the turnover in the decade prior to term limits with the minimum amount of turnover per decade that would result because of term limits. She provides two sets of scores for term limitedness, one with and one without the ability of some legislators who are termed out to cycle back in if the state's term limit law allows it. The measures used in these models include the cycling feature.

Finally, *diffusion* is the lagged average speaker power of all states in a region, excluding state$_{it}$.[14] [15] *Diffusion* is lagged because the policy literature on diffusion suggests that policy diffusion may result from a learning process, whereby state lawmakers observe the impact of changes in other states (Berry and Berry 1990). State legislatures, then, may need time to observe the effects of institutional changes in other states before altering institutions within their own state. It is unclear how much time state legislatures require for learning about and responding to changes in other legislatures. As a result, lags at t-1, t-2, and t-3 are tested. It is expected that as *diffusion* increases, state house speaker power is expected to increase.[16]

Missing data posed a problem for some variables, and so I restrict the following analysis to biennia from 1995 to 2010.[17] Also, to account for missing data during the 1995-2010 time period, data were imputed using Multiple Imputation by Chained Equations (MICE).[18] As a robustness check, the following models were also estimated using listwise deletion. Discrepancies between the reported models estimated using MICE and those using listwise deletion are described in footnotes.

Table 1 presents Ordinary Least Squares estimates with standard errors clustered by state.[19] The first model contains party government, policy

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[14] I use the US Census Bureau's regional designations.

[15] In the literature on policy diffusion, states are posited to learn about and sometimes adopt the policies of more geographically proximate states. Underlying this is the assumption that state legislatures are more likely to observe and model innovations from states that are close to them geographically.

[16] Prior to estimation, first differences were taken on variables with unit roots.

[17] Shor-McCarty scores are incomplete and have high levels of missingness for the 1993-1994 biennium, so I restrict the following analysis to the biennium beginning in 1995 and ending with the 2009 biennium. Additionally, state professionalism contains missing values. Even after restricting these variables to the period from 1995-2010, approximately 10% of cases for each of these two variables contained missing values.

[18] Multiple imputation generally produces less biased estimates than listwise deletion (King et al. 2001). As Granberg-Rademacker (2007) demonstrate using different levels of missingness in sample state data, Multiple Imputation by Chained Equations (MICE) generally provides less biased estimates than other imputation methods or listwise deletion. m=15 imputed datasets. All the variables included in following models were utilized in imputation. Additionally, Gross State Product (GSP), Effective Number of Parties (ENP), State Political Culture, and Ranney Index scores were included as auxiliary variables to impute values for *polarization* and *legislative professionalism*.

[19] The data used are longitudinal. Following the results from a Hausman Test, I initially estimated OLS models with a random intercept to account for unobserved heterogeneity (Greene 2008, 208-9). In the random intercept models, μ=0 and yielded ρ=0. This suggests that a random intercept is not needed and that the estimates approach pooled OLS estimates. I then chose to estimate OLS models with robust (clustered) standard errors.

Table 1: Ordinary Least Squares Models of Speaker Power Across US States, 1995-2010

	I	II	III	IV
Diffusion		.2174**	.2178**	.2027**
		(.0729)	(.0733)	(.0736)
Term Limits			.0200	
			(.0303)	
Term Limitedness				.0362*
				(.0161)
Polarization	.0742*	.0837**	.0782*	.0796**
	(.0285)	(.0272)	(.0309)	(.0261)
Δ Electoral Competition	.0013	.0003	.0001	.0003
	(.0054)	(.0053)	(.0054)	(.0053)
Chamber Size	-.0004*	-.0003	-.0003	-.0003
	(.0002)	(.0002)	(.0002)	(.0002)
Δ Log Population	-.0172	-.2637	-.2004	-.1680
	(.9811)	(.9725)	(.9941)	(.9870)
Δ Unemployment	.0061	.0360	-.0044	-.0042
	(.0048)	(.0415)	(.0043)	(.0043)
Δ Professionalism	.0468	.0003	.0353	.0347
	(.0410)	(.0053)	(.0421)	(.0424)
Constant	-.0722	-.6318**	-.6322**	-.5978**
	(.0514)	(.1959)	(.1975)	(.1940)
N	352	352	352	352
F-Test	2.36*	5.00**	5.11**	7.51**
R²	.205	.290	.296	.312
Average RVI	.0389	.0447	.0408	.0462
Largest FMI	.1283	.1560	.1501	.1498

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

demand, and organizational variables. Both *polarization* and *chamber size* attain statistical significance at the 0.05 level.[20] As *polarization* increases, the power of state house speakers also increases, a finding consistent with CPG. Unexpectedly, *chamber size* is negative and significant. This suggests that as chamber size increases, speaker power decreases. Model II includes *diffusion*$_{t-1}$, which attains significance and is in the expected direction.[21] As the lagged speaker power regional average increases, state house speaker power also increases. Models III and IV contain variables for term limits. Model III

[20] I also estimated the Wooldridge Test for Autocorrelation which found that I could not reject the null hypothesis that there is no autocorrelation.
[21] I estimated models with diffusion at different lags: t-1, t-2, and t-3. Only at t-1 is diffusion significant, and I only report results with diffusion at t-1. Tests of different lags shows that the time necessary to learn and alter speaker power in response to changes in the regional average is relatively quick.

contains a dummy variable for the implementation of term limits, which fails to attain significance;[22] however, Model I, which uses Sarbaugh-Thompson's *term limitedness* measure and takes into account differences in term limits, is significant. A unit increase in *term limitedness* increases state house speaker power by 0.036 units on the Mooney index. Additionally, *polarization* and *diffusion* maintain significance at the 0.01 level. For each unit increase in the ideological distance between Democratic and Republican medians in a legislative chamber, speaker power increases by 0.08 units on the Mooney index. For each unit increase in the lagged regional average of speaker power, state house speaker power increases by 0.2 units. These results indicate that both term limits, depending on the severity of those limits, and regional diffusion affect state house speaker power.[23]

Results from F-tests show that all of the models are significant. R^2 suggests that the final model explains approximately 30% of the variation in speaker power.[24] Because the models were estimated using imputed data, Table 1 also reports the average Relative Variance Inflation (RVI) and the largest Fraction of Missing Information (FMI). The average RVI in the final model (Model IV) is 0.0462, indicating that the impact of missing data on the variance of the estimates is small. The largest Fraction of Missing Information (FMI) occurs for *professionalism*. Approximately 15% of the sampling variance in *professionalism* is attributable to missing data. Generally, the number of imputations should at least match the largest FMI multiplied by 100 (White, Royston, and Wood 2010). In this case, prior to estimation, *m*=15 datasets were imputed, meeting this guideline.

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[22] I also estimated a model, which I do not report here, that included dummy variables for both implementation and adoption of term limits, as well as a model that included a dummy variable for adoption and not implementation. Dummy variables for term limits were not significant in any of those models.

[23] There was no difference in the significance of variables in Models I-III between the multiple imputation models and those estimated using listwise deletion. In Model IV of the listwise deletion model, *Termlimitedness* does not attain significance while *Diffusion* only attains significance in a one-tailed test. However, if the Model IV listwise deletion is estimated without *Legislative Professionalism*, a variable that was not significant in any of the models and is the largest source of missingness, then both *Term Limitedness* and *Diffusion* attain statistical significance.

[24] Because the data were imputed, R^2 is calculated by averaging the coefficient of determination across all datasets.

Discussion

The findings here suggest that decision makers in state legislative institutions sometimes make dramatic changes to their institutions. When an exogenous shock, such as the adoption and implementation of term limits occurs, major change may be more likely. A window of opportunity may follow a focusing event, which draws the attention of legislators to institutional changes. This is consistent with attention shifting, one of what, Baumgartner and Jones (2002), identify as one of the two principal causes of major change. This research has also found evidence of diffusion, what Squire (2012) describes as a kind of policy diffusion applied to institutions.

The research conducted here has focused primarily on identifying potential causes for positive feedback processes but has paid far less attention to negative feedback. Future research in this area should include a more thorough analysis of the causes of negative feedback related to speaker power change. Such an investigation poses a major challenge though-- specifically identifying negative feedback and the resultant absence of significant change may prove difficult.

Conclusion

It appears that state legislatures do not merely make institutional changes at the margins. That is, change is not just incremental. Instead, most institutional change in legislatures occurs incrementally, but there are also large-scale changes not accounted for by incrementalism. The Arkansas House's response to term limits is a case whereby changes in the incentives of members due to term limits led to a strengthening of the speaker's powers. The latest case of major change in the Arkansas House may be consistent with a diffusion-like explanation of institutional change. The case of Arkansas House provides some preliminary anecdotal evidence that policy agenda research could help explain institutional change. A more thorough analysis performed on speaker power, however, found support for term limits as major cause of speaker power change as well as regional diffusion or a mimicking process.

The approach taken here is limited in several respects. First, only the formal powers of state house speakers were examined. It is possible that the informal powers of speakers may also have experienced significant change, sometimes even in place of formal powers. Second, part of the exploratory research conducted here is subject to Milton Friedman's (1966) criticism that

scientific theories should be predictive. Punctuated-equilibrium theory in political science is primarily descriptive, not predictive. Focusing events, too, are often unpredictable. For the purposes of creating a general theory of institutional change in legislatures, punctuated equilibrium theory may not prove as instructive as one would like.

Nevertheless, certain elements of policy agenda research may be useful for the examination of changes in state house speaker power, and perhaps legislative institutions more generally. First, changes in speaker power are usually incremental but are sometimes dramatic, indicating that both negative and positive feedback processes may be present at different times in state house. Second, major events may spur dramatic change. The Arkansas case offered some anecdotal evidence of a how a focusing event could spur change. OLS models showed that a major institutional event—the imposition of term limits--influences speaker power change across state legislatures. Also, it appears that other states influence the institutional choices of state legislatures in close geographic proximity.

This exploratory research has offered a framework for helping understand institutional decision making in legislatures. Understanding institutional choice—how legislatures choose rules and the content of the rules they choose—can ultimately help in the study of policy decisions made by legislatures. Future research should attempt to tie how institutional choices made because of major events and the choices of other states also impact policy.

References

Aldrich, John H., and David W. Rohde. 2000. "The Republican Revolution and the House Appropriations Committee." *Journal of Politics* 62: 1-33.

Baumgartner, Frank R., and Bryan D. Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.

---. 2002. "Positive and Negative Feedback in Politics." In *Policy Dynamics*, ed. Frank R. Baumgartner and Bryan D. Jones. Chicago: University of Chicago Press. 3-28.

Battista, James Coleman. 2011. "Formal and Perceived Leadership Power in US State Legislatures." *State Politics and Policy Quarterly* 11: 102-18.

Berry, Frances Stokes, and William D. Berry. 1990. "State Lottery Adoptions as Policy Innovations: An Event History Analysis." *American Political Science Review* 84: 395-415.

Bishop, Bradford H. 2014. "Focusing Events and Public Opinion: Evidence from the Deepwater Horizon Disaster." *Political Behavior* 36: 1-22.

Birkland, Thomas A. 1997. *After Disaster: Agenda Setting, Public Policy, and Focusing Events*. Washington DC: Georgetown University Press.

---. 2004. "'The World Changed Today': Agenda-Setting and Policy Change in the Wake of the September 11 Terrorist Attacks." *Review of Policy Research* 21: 179-200.

Blair, Diane D., and Jay Barth. 2005. *Arkansas Government and Politics*. 2nd ed. Lincoln, NE: University of Nebraska Press.

Bowen, Daniel C., and Zachary Green. 2014. "Should We Measure Professionalism with an Index? A Note on Theory and Practice in State Professionalism Research." *State Politics and Policy Quarterly* 14: 277-96.

Caldwell, Elizabeth. 1995. "House Getting." *Arkansas Democrat-Gazette*, January 8.

Clucas, Richard A. 2001. "Principal-Agent Theory and the Power of State House Speakers." *Legislative Studies Quarterly* 26: 319-38.

Cobb, Roger W., and Charles D. Elder. 1971. "The Politics of Agenda Building: An Alternative for Modern Democratic Theory." *Journal of Politics* 33: 892-915.

Collier, David, James Mahoney, and Jason Seawright. 2004. "Claiming Too Much: Warnings About Selection Bias." In *Rethinking Social Inquiry*. ed. Henry E. Brady and David Collier. New York: Rowman & Littlefield Publishers.

Cooper, Joseph, and David W. Brady. 1981. "Institutional Context and Leadership Style: The House from Cannon to Rayburn." *American Political Science Review* 75: 411-25.

Cooper, Christopher, and H. Gibbs Knotts. 2008. *The New Politics of North Carolina*. Charlottesville: University of North Carolina Press.

Cox, Gary W., and Mathew D. McCubbins. 1993. *Legislative Leviathan*. Berkeley, CA: University of California Press.

---. 2005. *Setting the Agenda: Responsible Party Government in the US House of Representatives*. New York: Cambridge University Press.

D'Agostino, Ralph B, Albert Belanger, and Ralph B. D'Agostino, Jr. 1990. "A Suggestion for Using Powerful and Informative Tests of Normality." *The American Statistician* 44(4): 316-321.

Dean, Jerry. 1995. "Hogue Pushes Limits." *Arkansas Democrat-Gazette*, January 23.

Dubin, Michael J. 2007. *Party Affiliations in State Legislatures: A Year by Year Summary, 1796-2006*. Jefferson, NC: McFarland and Co.

English, Art, and Brian Weberg. 2004. "Term Limits in the Arkansas General Assembly: A Citizen Legislature Responds." National Conference of State Legislatures.

Fenno, Richard F. 1978. *Home Style: House Members in Their Districts*: Harper Collins Publishers.

Friedman, Milton. 1966. "The Methodology of Positive Economics." In *Essays in Positive Economics*. Chicago: University of Chicago Press.

George, Alexander, and Andrew Bennett. 2005. *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: Belfer Center for Science and International Affairs.

Gerring, John. 2004. "What Is a Case Study? What Is It Good For?" *American Political Science Review* 98: 341-54.

Granberg-Rademacker, J. Scott. 2007. "A Comparison of Three Approaches to Handling Incomplete State-Level Data." *State Politics and Policy Quarterly* 7: 325-38.

Greene, William H. 2008. *Econometric Analysis*. 6th ed. Upper Saddle River, NJ: Pearson.

Holbrook, Thomas M., and Emily Van Dunk. 1993. "Electoral Competition in the States." *American Political Science Review* 87: 955-62.

Jones, Bryan D., and Frank R. Baumgartner. 2005. "A Model of Choice for Public Policy." *Journal of Public Administration Research and Theory* 15: 325-51.

Jones, Bryan D., Sulkin, Tracy, and Heather A. Larsen. 2003. "Policy Punctuations in American Political Institutions." *American Political Science Review* 97: 151-69.

Kane, Dan. 2007. "House Changes Rules, Hoping to Curb Abuses." *Raleigh News & Observer*. B5.

King, Gary, Honaker, James, Joseph, Anne, and Kenneth Schieve. 2001. "Analyzing Incomplete Political Science Data: An Alternative Algorithm for Multiple Imputation." *American Political Science Review* 95: 49-69.

King, Gary, Keohane, Robert O., and Sidney Verba. 1994. *Rethinking Social Inquiry*. Princeton, NJ: Princeton University Press.

Kingdon, John. 2011. *Agendas, Alternatives, and Public Policies*. 2nd ed: Pearson.

Key, V.O. 1949. *Southern Politics in State and Nation*. New York: Alfred A. Knopf, Inc.

Kousser, Thad. 2005. *Term Limits and the Dismantling of State Legislative Professionalism*. Cambridge: Cambridge University Press.

Lindblom, Charles E. 1959. "The Science of 'Muddling Though'." *Public Administration Review* 19: 79-88.

McCord, Robert S. 1995. "Revival in the Arkansas House." *State Legislatures*. 40.

Mooney, Christopher Z. 1995. "Citizens, Structures, and Sister States: Influences on State Legislative Professionalism." *Legislative Studies Quarterly* 20: 47-67.

---. 2013. "Measuring State House Speakers' Formal Powers." *State Politics and Policy Quarterly* 13: 262-73.

Moritz, John. 2017. "House Changes Add to Speaker's Power--Seniority Ditched in Filling Committees." *Arkansas Democrat-Gazette*, January, 12. 7A.

Oakley, Meredith. 1995. "Democrats Looking For Direction Arkansas House in State of Flux." *Arkansas Democrat-Gazette*, June 18.

Observer—Editorial Staff. 2007. "Better, but Not Best--on New House Rules, Democratic Majority Still Rules." *Charlotte Observer*. 10A.

Oman, Noel. 1995. "House Speaker." *Arkansas Democrat-Gazette*, June 16.

Richman, Jesse. 2010. "The Logic of Legislative Leadership: Preferences, Challenges, and the Speaker's Powers." *Legislative Studies Quarterly* 35: 211-34.

Rohde, David W. 1991. *Parties and Leaders in the Postreform House*. Chicago: University of Chicago Press.

Sarbaugh-Thompson, Marjorie. 2010. "Measuring 'Term Limitedness' in US Multi-State Research." *State Politics and Policy Quarterly* 10: 199-217.

Seawright, Jason, and John Gerring. 2008. "Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options." *Political Research Quarterly* 61: 294-308.

Shor, Boris, and Nolan McCarty. 2011. "The Ideological Mapping of American Legislatures." *American Political Science Review* 105: 530-51.

Simon, Herbert A. 1959. "Theories of Decision-Making in Economics and Behavioral Science." *American Economic Review* 49.

Sinclair, Barbara. 1999. "Transformational Leader or Faithful Agent? Principal Agent Theory and House Majority Party Leadership." *Legislative Studies Quarterly* 24: 421-49.

Smith, Kevin B., and Christopher W. Larimer. 2009. *The Public Policy Theory Primer*: Westview Press.

Squire, Peverill. 2007. "Measuring State Legislative Professionalism: The Squire Index Revisited." *State Politics and Policy Quarterly* 7: 211-27.

---. 2012. *The Evolution of American Legislatures: Colonies. Territories, and States, 1619-2009*. Ann Arbor: University of Michigan Press.

Tennille, Grant. 1995. "The Legislature's Freshman Class." *Arkansas Democrat-Gazette*, April 9.

True, James L., Jones, Bryan D., and Frank R. Baumgartner. 2008. "Punctuated-Equilibrium Theory." In *Theories of the Policy Process*, ed. Paul A. Sabatier, 2nd ed: West View Press.

Walker, Jack L. 1969. "The Diffusion of Innovations among American States." *American Political Science Review* 63: 880-99.

White, Ian R., Royston, Patrick, and Angela M. Wood. 2010. "Multiple Imputation Using Chained Equations: Issues and Guidance for Practice." *Statistics in Medicine* 30: 377-99.

Wildavsky, Aaron. 1964. *The Politics of the Budgetary Process*: Little, Brown, and Co.