

# **State Legislative Evolution: Path Dependency, Organization Theory and Bounded Rational Choice**

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**ABSTRACT:** American state legislatures have evolved dramatically throughout their history (Squire and Hamm 2005). In particular, the structures, rules and procedures governing the operations legislatures have changed significantly over the course of the 20<sup>th</sup> and 21<sup>st</sup> Centuries (Hamm, Hedlund and Martorano 2001, 2006; Martorano 2006). The purpose of this paper is to present a theoretical framework for studying the development and evolution of American state legislatures.

Paper prepared for delivery at the 2010 State Politics and Policy Conference, Springfield, Illinois, June 3-5, 2010. Portions of this paper were presented at the annual meeting of the American Political Science Association in Toronto, Ontario, Canada, September 3-6, 2009.

## Introduction

Scholars have been long fascinated by the evolution and development of legislatures in the United States. This fascination has focused predominately on the development of the United States Congress. Countless books and journal articles have focused on the development of congressional committee systems (Shepsle 1986; Weingast and Marshall 1988; Baron and Ferejohn 1989; Maass 1983; Gilligan and Krehbiel 1987, 1989, 1990; Krehbiel 1991; Kiewiet and McCubbins 1991; Cox and McCubbins 1993; Maltzman 1997), political party structures (Rohde 1994; Aldrich 1995), leadership (Davidson, Hammond and Smock 1998; Peabody 1967, 1984; Peters 1997; Cooper and Brady 1981b; Sinclair 1999; Evans and Oleszek 1999, 2004; Ripley 1967) and procedural rules (Bach and Smith 1988; Sinclair 1994; Krehbiel 1991, 1997; Dion and Huber 1997; Binder and Smith 1997; Binder 1997; Dion 1997). Other works have addressed generally the process of congressional institutionalization (Polsby 1968; Froman 1968; Davidson and Oleszek 1976).

Disproportionately less scholarly attention has been given to the evolution and development of state legislatures. Many of the studies of state legislative evolution and development that do exist were conducted long ago and typically focus on the development of a legislative institution in a single state (Lewis 1952; Rosenthal 1968). More modern explorations of state legislatures have focused on explaining institutional differences across state legislatures, with little attempt to track institutions over time or determine the evolution of these institutional differences (Rosenthal 1973; 1974; 1997; 2004; 2008; Francis 1989). Recently in *101 Chambers: Congress, State Legislatures and the Future of Legislative Studies*, Peverill Squire and Keith Hamm outline how American state legislatures

have come to differ from one another as well as Congress over time. They end their book by challenging future scholars to explain the causes or evolution of these differences.

The purpose of this paper is to answer Squire and Hamm's call. We contend that the evolution and development of American state legislatures is path-dependent in nature, and that the institutions and norms that guide the legislative process in the states today is highly contingent upon past historical events and the choices made by past legislators and citizens in reaction to relevant events. Specifically, in this paper we will introduce a theory of development that fuses path dependency theory, organizational theory and rational choice theory. Thus, we contend that the choices made concerning institutional design in American state legislatures has been driven by events both exogenous and endogenous to the bodies as well as the behavior and reactions of the individuals within those bodies. Further, we also contend that future choices concerning institutional design will be constrained by these past choices.

### **Institutionalization and Change: The Stickiness of Institutional Arrangements**

Institutionalized structures are a vital component of an effective governing system. Nelson Polsby made this assertion in his work regarding the institutionalization of the U.S. House of Representatives (Polsby 1968). In this work he asserts:

“Most people who study politics are in general agreement, it seems to me, on at least two propositions. First, we agree that for a political system to be viable, for it to succeed in performing tasks of authoritative resource allocation, problem solving, conflict settlement, and so on, in behalf of a population of any substantial size, it must be institutionalized. That is to say, organizations must be created and sustained that are specialized to political activity. Otherwise, the political system is likely to be unstable, weak and incapable of servicing the demands or protecting the interests of the constituent groups. Secondly, it is generally agreed that for a political system

to be in some sense free and democratic, means must be found for institutionalizing representativeness with all the diversity that this implies, and for legitimizing yet at the same time containing political opposition within the system (Polsby, 1968: 144).”

During this period much of the research concerning Congress focused on identifying and explaining the causes and patterns in the institutionalization of legislative structures and procedures (Froman 1968; Cooper 1988; Davidson and Oleszek 1976; see Schickler 2001 for an in-depth discussion of the institutionalization of Congress). Common to many of these studies is the notion that the creation and institutionalization of structures and procedures is closely tied to forces both inside and outside the legislative environment. Many of the ideas presented in this work were borrowed from organizational theory.

In particular, scholars focusing their studies on the state legislatures championed the ability of organizational theory to be adapted to the study of the legislative process. For example, Hedlund writes that

Collectively this work demonstrates, first, that concepts derived from organizational theory can be applied to legislatures. These concepts include organizational autonomy, division of labor, task environment, organizational technology, “buffering” between inputs and outputs, institutional “imperatives”, organizational uncertainty, adaptation, consolidation, organizational elaboration, organizational productivity, organizational expeditiousness and organizational efficiency (Hedlund 1984).

The bulk of the of research applying organizational theory to the study of legislatures argues that in order to survive, a legislative body must change its practices and procedures in reaction to changes in the legislature’s external and internal environments (Froman 1968; Davidson and Oleszek 1976; Moncrief and Jewell 1980; Cooper and Brady 1981a; Thompson and Moncrief 1992). Legislative scholars have used this perspective to successfully study the existence of and changes in legislative institutions (Cooper 1977,

1981; Cooper and Brady 1981a; Hedlund and Freeman 1981; Moncrief and Jewell 1980; Harder and Davis 1979; Hedlund 1978; Hedlund and Hamm 1976, 1977, 1978; Davidson and Oleszek 1976; Froman 1968).

Specifically these studies have tested hypotheses developed from organizational theory and find that legislative organizations adapt in reaction to stress and strain from their internal and external environments (Davidson and Oleszek 1976). These studies identify two types of change occurring in legislatures: adaptation and consolidation. Adaptation occurs when legislative structures and procedures are changed in reaction to changes in the external environments. In contrast, consolidation occurs when legislative structures and procedures are changed to deal with internal stresses (Davidson and Oleszek 1976; Thompson and Moncrief 1992). Additionally, these external strains may cause internal stresses by changing the incentive structure of the institution's members. This change in member incentive structures may ultimately lead to changes in the body's internal structures and procedures (Katz and Sala 1996; Binder and Smith 1997, 1998).

It must be noted that the process of institutionalization and subsequent alterations in adopted institutions is not a process that occurs quickly. Rather, institutions take quite some time to evolve and once institutionalized are not easily or quickly altered (Polsby 1968; Froman 1968; Davidson and Oleszek 1976). Thus, institutions can be clearly described as "sticky" in the sense that once adopted and entrenched they are very difficult to "shake."

## **Bounded by the Past: Path-Dependency and Institutional Change**

Institutionalization and change rarely occurs in a vacuum. Where an institution starts greatly influences where it can go. That is to say, that the ability to adopt new institutional structures and procedures or alter existing ones is highly dependent upon earlier choices regarding institutional development. Scholars who have addressed institutional adoption and change seem to acknowledge this limitation.

For example, in their discussion of institutional change in the U.S. House of Representatives, Davidson and Oleszek (1976) assert: "History is strewn with examples of one generation's reforms which exacerbate the next generation's problems (1976: 38)." Further, C. Lawrence Evans in a literature review of scholarship regarding rule and structural arrangements in Congress asserts that "important areas of structural development within Congress appear to exhibit significant path dependencies, in which current decisions about rules are shaped and constrained by previous episodes of procedural choice (Evans 1999: 632)."

More recently, scholars have asserted that political processes are by their nature path dependent and that any attempt to account for phenomenon associated with these processes must take this path dependency into account (Pierson 2000a, 2000b; Jervis 2000; Thelen 2000; Bridges 2000). Comparative politics scholars studying democratization and the adoption of other governing institutions as well as scholars studying American political development have long acknowledged the importance of path dependency in their work (e.g., Lipset and Rokkan 1967; North 1990; Schickler 2001; Skocpol 1992; Collier and Collier 1991; Ertman 1996; Hacker 1998).

Paul Pierson has been the most vocal advocate for correctly including temporality or path dependence into explanations of political processes. Pierson states:

“The notion of path dependence is generally used to support a few key claims: Specific patterns of timing and sequence matter; starting from similar conditions, a wide range of social outcomes may be possible; large consequences may result from relatively “small” or contingent events; particular courses of action, once introduced, can be virtually impossible to reverse; and consequently, political development is often punctuated by critical moments or junctures that shape the basic contours of social life (Collier and Collier 1991; Ikenberry 1994; Krasner 1989). All these features stand in sharp contrast to prominent modes of argument and explanation in political science, which attributes “large” outcomes to “large” causes and emphasize the prevalence of unique, predictable political outcomes, the irrelevance of timing and sequence, and the capacity of rational actors to design and implement optimal solutions (given their resources and constraints) to the problems that confront them (Pierson 2000a: 251).”

Pierson’s reference to “large” causes accounting for “large” outcomes is aimed in part at rational choice scholars who assert that the choices made regarding institutions in political processes have been done purposely by individuals who choose the institutional arrangements that best suit their needs. For example, in the congressional literature three schools of thought exist regarding the purpose of committees in the legislative process. Each school treats members as rational actors with a specific purpose for the committee system. The distributive school asserts that the committee system exists as a venue for individual members to secure reelection by securing benefits for their constituents (Sheplse 1986; Weingast and Marshall 1988). The informational school asserts that the purpose of the committee system is to reduce information costs for members and thus make the legislative process more efficient by reducing uncertainty over outcomes in the legislative process (Krehbiel 1991). Finally, the partisan school suggests that the purpose

of the committee system is to secure the power and future success of the majority political party through agenda control (Cox and McCubbins 1993).

Common to these three schools of thought is the notion that the past simply does not matter – what is important are the objectives sought by the relevant actors for the institution. In fact, most studies that address institutional structure and procedure through a rational choice perspective assume that structures and procedures will change if those who have control over them discover that a different configuration of structures and procedures will allow them to more efficiently attain their goals. Very little consideration is given to the notion that change in certain directions may not be possible or that options for change may be tied to decisions made long ago.

In his work, Pierson makes two important assertions. First, he argues that it isn't always "large" events that lead to "large" outcomes. Rather, a "small" event can have a significant impact or lead to a "large" outcome. Secondly, he asserts that simply stating that the present situation is informed by the past is not enough; rather he argues our theories need to account for why, where and how the past has informed the present (Pierson 2000a, 2000b).

The notion of path dependency means that we must go farther than saying "history matters." In order to understand the significance of a variable/institution/process in the present, it is necessary that we understand how the variable/institution/process got there in the first place – the path it took (Pierson 2000a). When considering the placing of an institution or political process in time several concepts must be taken into account. We must come to understand the impact of critical junctures, sequencing, events, time horizons, duration, timing, and unintended consequences on the path of the institution or

process of interest. The ability to analyze an institution or political process in this manner will greatly enhance our understanding of that institution or process (Pierson 2000b).

An important component of path dependency is how “increasing returns” dynamics influence the ability of institutional structures and processes to evolve over time. Increasing returns dynamics are positive feedback processes that 1) illustrate how and why the costs of altering institutions will increase over time; and 2) help draw attention to timing and sequencing issues by distinguishing between formative moments from periods that reinforce divergent paths (Pierson 2000a). Pierson writes:

“This conception of path dependence, in which preceding steps in a particular direction induce further movement in the same direction, is well captured by the idea of increasing returns. In an increasing returns process, the probability of further steps along the same path increases with each move down that path. This is because the *relative* benefits of the current activity compared with other possible options increase over time. To put it a different way, the costs of exit – of switching to some previously plausible alternative – rise (Pierson 2000a: 252).”

Therefore, early decisions concerning the adoption of institutional structures and procedures will greatly influence the ability of future actors to adopt new structures and institutions and/or alter existing ones. Previous work on institutional design has alluded to this concept when it asserts that there are high costs to the creation of new institutions in the form of learning effects, coordination effects and adaptive expectations, resulting in an increase in the attractiveness of existing institutional structures (Pierson 2000a; North 1990). In the end, political actors are more likely to stick with potentially inefficient institutions due to the high costs of changing existing structures.

The following example illustrates how scholars have incorporated path dependency into their explanations of institutional development and evolution. Eric Shickler (2001) in

his analysis of the institutional development of the U.S. Congress makes a number of claims concerning the forces of change in congressional structures and processes. One of his claims is that congressional institutions develop via the layering of structures/processes that are informed by the competing motives of different groups of members – thus new structures are often layered over old structures. He goes on to assert that the choices available for new institutions are dependent upon prior choices. Hence, it is easier to adopt a new institution than it is to change an existing institution as existing institutions have too much support from those that benefit from them as they are.

To illustrate this claim, Schickler references the creation of budget committees in 1974. These committees were meant to provide integrated fiscal policy. However, since these committees were superimposed onto the existing structure of authorization, appropriations and revenue committees, they had difficulty succeeding because those who had an entrenched interest in the existing structures had no incentive to see the budget committees' work. The point here is that if it had been possible to start anew, it is highly unlikely that a system would be adopted that gave control over this process to a three-layered system of committees. But since too many members of Congress had vested interests in power bases of the existing committees, there was no alternative but to layer the new structure on top of the old. Thus, choices available to reform congressional structures in this example were in fact constrained by choices made in the past (Schickler 2001).

## **Path Dependency, Significant Events, and Constrained Choices**

The goal of this present endeavor is to develop a theory of institutional development and evolution for American state legislatures which can be applied to the evolution of any aspect of state legislatures. We propose that elements of path dependency, organizational theory, and rational choice theory interact to account for the development and evolution of institutional structures and processes at the state-level.

How the institutional structures and processes that compose a legislative body develop and evolve is certainly related to its starting point. It is not likely the case that the members of an institution would simply abandon existing structures and processes and start from scratch every time reform is warranted. History proves that this is in fact the case. The legislative institutions and processes adopted by colonists resembled the legislative institutions and processes of Great Britain. Further, the structures and processes adopted by the American state legislatures closely resemble those adopted by colonists. Finally, the basic structures and processes adopted for the U.S. Congress were also greatly informed by the colonial and early state legislative experiences (Squire and Hamm 2005). Clearly, the development and evolution of American state legislatures has been greatly influenced by the past experiences of those members serving in them.

This is not to imply that once adopted a legislative structure or process cannot be abandoned, altered or newly created. Path dependence does not “freeze” institutional structures and processes in place – all it does is constrain the potential options for change by limiting the available alternative institutional structures and procedures (Pierson 2000b).

The development and evolution of legislative structures and procedures will also be influenced by – to use Pierson’s (2000a) terminology – events both large and small. In order to survive as an organization, these legislative bodies will have to adapt and consolidate institutional structures and procedures in ways that will allow it to maintain itself. These events can be of such magnitude that they impact virtually all state legislatures or they can be influential in just one or a small number of state legislatures. An example of an event that impacted virtually all state legislatures was the mandatory apportionment of legislatures that occurred in the mid-1960s. The one-man, one-vote decision greatly changed the composition of the membership within virtually every state legislature. Many state legislatures increased the size of their chambers in order to comply with the order while others choose some different path of accommodation (Squire and Hamm 2005).

Events may dictate when institutional structures and procedures need to be reformed, and path dependency may constrain the choice set of possible reforms, but the concepts of rational choice can still be applied to the decisions made regarding institutional structures and procedures in legislatures. The difference is that the members of the legislature will have to choose from a “bounded” set of options. Just because the choice set is limited, does not mean that members cannot be strategic with the choices they make. The members of the legislature will still adopt those institutional structures and procedures that will allow them to best attain their goals in the legislative process.

The area of minority party procedural rights provides one example where rational choice theory can intersect with path dependence. In the congressional literature there are two theories concerning when a legislative body will choose to expand/contract the ability

of the minority party to potentially obstruct or influence the legislative process. One school of thought asserts that minority party procedural rights will be expanded when the size (and thus strength) of the majority political party is small. Minority party procedural rights are expanded because the majority party fears that it will soon be in the minority and hopes that if it expands minority rights now, reciprocity will rule in the future (Binder 1997). The other school of thought asserts that minority party procedural rights will be contracted when the size (and thus strength) of the majority political party is small and acting cohesively. The goal now is to restrict the ability of the minority party to obstruct or influence the process in an effort for the majority party to protect its advantage in future electoral contests (Dion 1997). These theories have been tested to some extent at the state legislative level with the first school receiving more empirical support (Martorano 2004). The expansions/contraction of minority party procedural rights is accomplished by slightly altering structures and procedures that already exist – such as the committee system, debate rules, etc. rather than creating new institutions. The purpose of this example is to show that change and alteration of structures and procedures informed by rational choice principles is still possible, even when the available choices may be constrained.

### **Tying the Hands of the Future: Limiting Effects of Constitutions and Statutes**

Before it will be possible to understand the development and evolution of the American state legislatures, we must first understand how the past can impact the ability of these institutions to evolve. The most obvious way in which the ability of state legislatures to evolve in the future is shaped by the past involves constitutions and statutory law. The ability of legislators to alter legislative structures and procedures is limited through

constitutions and statutes. If a particular aspect of the legislative process is codified in the constitution, it is significantly harder to alter as extraordinary majorities and public approval is often required. Existing law (e.g. statutes) is also more challenging to alter than chamber rules of procedures, precedents or norms because alterations require the adoption of a new/revised law. Thus, constitutions and statutes provide a significant source of increasing returns. The costs to altering constitutional and statutory arrangements is high, and thus the longer they remain unchanged, the more entrenched they become as legislators adopt other institutions to complement or sometimes circumvent these provisions. It is often the case that these complimentary or circumventing institutions further complicate rather than simplify the legislative process.

### Exploring the Constitutions

The U.S. Congress and every state legislature in the United States derive its basic form constitutionally. The U.S. Constitution and each state constitution clearly outline the basic legislative structures that will exist. Virtually all constitutions in the United States lay out the bicameral system<sup>1</sup>, the number of members in each chamber, the form of representation (i.e., districts vs. states), requirements for office, etc in the section outlining the legislative branch. Beyond these basic characteristics, the items describing the legislative process in American constitutions vary considerably.

Table 1 provides a list of aspects regarding the legislative process included in the United States and 50 state constitutions. The data were collected by reading the article or

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<sup>1</sup> An exception is Nebraska, which is the only state to have a unicameral legislature. Thus, its constitution provides for a legislature with a single chamber.

section of the constitution pertaining to the legislative branch. Only items that specifically dealt with a legislative structure or process were included in the list. Every constitution bestows or forbids certain substantive powers to the legislature (e.g., the power to tax or the right to declare war). We did not include items that either gave the legislature power to act or forbid them from acting in certain policy areas. Rather, our focus was to determine the extent to which the constitutions dictated structures and procedures relevant to the formation, consideration and passage of legislation as well as structures and procedures that influence the members serving in the legislative body. In all, there are 75 items dealing with legislative structure and procedure on the list in Table 1.

**(Table 1 about here)**

Only one item was mentioned in all 51 constitutions considered – the required quorum size. In 47 legislatures, a majority of members elected to a chamber constituted a quorum. However in four legislatures (Indiana, Oregon, Tennessee and Texas), a two-thirds majority of those elected to a chamber is required to achieve quorum. In all but two legislatures (Kansas and Rhode Island), the constitution grants each chamber the power to choose in own officers. However in 19.6 percent (or 10 constitutions), it does state that the Vice-President or Lieutenant Governor is the presiding officer of the Senate. Further, just three legislatures (Massachusetts, New Hampshire and Vermont) have no provision in the constitution for the keeping of a journal of chamber proceedings. Other common constitutional provisions include limiting the amount of time a chamber can adjourn without the consent of the other chamber and the ability of each chamber to determine its own rules of proceeding – both items occur in 92.2 percent of constitutions. Legislator compensation is also covered in 90.2 percent of the constitutions. However, there are

differences. In most of the constitutions (58.8 percent), it is ordered that legislative salary be determined by law, usually with the caveat that any increase in salary will not take effect until the next group of legislators is elected. In 15.7 percent of the constitutions, a compensation committee, composed of individuals outside the legislature determines pay, and in 9.8 percent (or 5) constitutions, a specific dollar amount is specified for legislator salaries.

Other items in the list occur far less frequently. In fact, just less than half the items appear in five or fewer constitutions. These include provisions that limit the number of bills that a legislator may introduce in a session (Louisiana), requiring that a bill receives a public hearing before becoming law (Louisiana), forbidding the reintroduction of a bill that has already been rejected by the chamber that session (Georgia, Louisiana, Tennessee, and Texas), providing for the discharge of a bill from committee consideration (Hawaii, Kentucky and Missouri), and placing limits on the length of special sessions (Alaska, Alabama, Florida, Louisiana, and Washington).

Other common items included in constitutions include limiting the length of legislative sessions (occurring in 56.9 percent of constitutions), requiring that bills are single subject with the subject expressed in the title of the bill (78.4 percent), that bills be read on three different days (68.6 percent), all legislative sessions and meetings be open to the public (70.6 percent), and that votes on final passage be recorded in the journal (70.6 percent).

Table 2 provides a rough ranking of the extent to which constitutions make directives regarding legislative structure and procedure. The ranking is calculated by

adding the number of items in Table 1 provided for in the constitution.<sup>2</sup> No single constitution contains all the provisions in Table 1, but there is a significant degree of variation across the U.S. Congress and fifty states. The highest number of provisions is 39 (Louisiana) and the fewest is 7 (New Hampshire). The average is 22 provisions. The goal of this ranking is simply to provide a general sense of potentially how constrained a legislative body may be by its constitution in regards to altering legislative structures and procedures.

**(Table 2 about here)**

The Louisiana constitution is the most active as it has provisions for 39 of the 75 items in Table 1. Some of the provisions in the Louisiana constitution include setting the time for the start of legislative session as well as limiting its length. The constitution also allows for the legislature and governor to call special sessions. It also includes requirements that all bills be referred to committees for consideration and places a time limit on the passage of bills in a session. Other constitutions that provide numerous provisions regarding legislative structure and procedure are Alabama, Arkansas, Missouri, Oklahoma, California, Pennsylvania, Texas and Mississippi.

The New Hampshire constitution is the most “silent” regarding legislative structure and procedure. It includes provisions for only seven of the items in Table 1 – it sets the compensation of legislators; allows the chambers to choose their own officers; sets quorum at a majority elected; allows each chamber to judge the elections and qualifications of its

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<sup>2</sup> A legislature is given one point for every item discussed in its constitution. Theoretically, the score could range from 0 to 75. The actual range is 7 to 39. The score does not take into account differences within the provisions. For example, it does not differentiate between a 60 day limit on session length versus a 90 day limit on session length. The goal here is simply to determine how active or silent each constitution is regarding legislative structure and procedure.

members; allows each chamber to determine its own rules of procedure; requires that all legislative sessions and meetings be open to the public; and requires that revenue bills originate in the house of representatives. Other constitutions that are fairly silent are Rhode Island, the U.S. Constitution, Vermont, North Carolina, Connecticut and Massachusetts.

In comparing the U.S. Constitution to the state constitutions, it is quite clear that the U.S. Congress is a legislature where the constitution has left quite a bit of flexibility regarding legislative structure and procedure (Table 2). Of the 75 items in Table 1, only eleven are included in the U.S. Constitution. Only two state constitutions (Rhode Island and New Hampshire) say less about the legislative branch. Article I of the U.S. Constitution outlines the legislative branch. The U.S. Constitution includes the following:

- 1) Sets quorum at majority elected to chamber
- 2) Allows less than a quorum to compel the attendance of absent members
- 3) Allows each chamber to determine its own rules of proceeding
- 4) Allows each chamber to elect its own officers
- 5) Names the Vice-President as President of the Senate with the power to vote only in ties.
- 6) Requires that each chamber keep a journal
- 7) Allows for a recorded vote to be taken by request of members
- 8) Allows each chamber to judge the election and qualifications of its members
- 9) Specifies that revenue bills must originate in the House of Representatives
- 10) Declares that legislative salaries are determined by law
- 11) Limits a chamber from adjourning for more than three days without consent of the other chamber.

These eleven provisions are fairly common in American legislatures. None really places a tremendous burden on members' ability to alter the legislative process. Members of Congress are quite free to use chamber rules of procedure to shape and mold the legislative process as they see fit.

## Exploring Statutory Law

In this study, we have also explored the statutory language regarding legislative structures and procedures in 48 states and the United States Code.<sup>3</sup> Table 3 lists the provisions found in statutes as well as the percentage of states having adopted one or more laws in these areas. In all, twenty general areas were discovered in the statutory language of the American states and the United States. There is also a great deal of variation in the extent to which laws have been passed in these areas and the extent to which states have adopted statutory provisions in these areas. However, for sixteen of the areas about 20 percent or more of the states have adopted some type of law(s). Table 4 provides a ranking of the states by assessing the number of areas in which they have adopted one or more laws. Alaska has been the most active adopting laws in 16 of the 20 areas and North Dakota the least active, adopting laws in only three areas. Most of the states have adopted statutory provisions in eight or nine of the areas.

### **[Tables 3 and 4 about here]**

The most common area in which the state legislatures or Congress have adopted statutory language is in the area of legislative compensation. About 90 percent of our sample has adopted one or more laws regarding compensation. Typically, these laws cover salary of members and officers, per diems, expense allowances, mileage and travel reimbursement and legislative retirement benefits. In fact, most of the legislation Congress has passed regarding legislative structure and operation, deals directly with compensation.

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<sup>3</sup> Statutory law in Iowa and Oklahoma was not coded due to issues regarding access to the information, but will be coded in the future. Only the section of the statutes pertaining specifically to the legislature was coded.

The other areas cover staff and employees, requiring standing committees to evaluate the application, administration and execution of laws, subpoena powers and outlining a number of legislative administrative bodies and other programs. Just as we found with the U.S. Constitution, members of Congress are not really limited with regards to adopting or changing legislative structures and procedures internally via chamber rule from session to session. But, it does appear that in many states, state legislators may be much more limited in their ability to alter legislative structure and procedures from session to session via chamber rules.

There were a number of other areas where the adoption of statutes was common. Around three-quarters of our sample have adopted laws dealing with the oversight of administrative agencies, the establishment of administrative bodies (e.g., Legislative Council, Legislative Fiscal Office, Bureau of Legislative Research, etc.), and the power to subpoena witnesses and documents. In over half of our sample, laws have been passed that establish the time and place of regular sessions and the employment of staff and other employees.

Other common provisions found in the statutes are the listing of chamber officers and/or directives for their selection (49 percent of states), the creation and duties of joint committees and commissions (47 percent of states), requiring fiscal notes for any bills impacting revenue or taxes (43 percent of states), allowing for the creation and meeting of interim committees (37 percent of states) and allowing for the pre-filing of bills before the start of a session (35 percent of states).

Most interesting is that in about half of our sample of states and Congress, (51 percent) statutes exist that provide directives regarding the structure and functioning of

standing committees in the legislative process. These provisions range from simply stating that each chamber shall have “standing committees to facilitate the transaction of business” (Alaska, Idaho, New Hampshire, Utah) to being as direct as limiting the number of members serving on each standing committee (Alabama). Other directives regarding the structure and functioning of standing committees found in statutes include:

- Allowing standing committees to introduce legislation (Alaska, South Dakota);
- Allowing standing committees to meet just prior to the start of the biennial session (Arkansas, Georgia, Indiana);
- Specifying that unless otherwise directed, the presiding officer shall appoint the members of standing committees; may include a time limit for announcing memberships (Arizona, California, Indiana, Maryland);
- Granting the Rules Committee in each chamber the power to assign bills to standing committees and/or appoint chairs and vice-chairs of standing committees (California);
- Requiring a vote of 2/3 of the membership to create a standing committee and establish its size and jurisdiction (California);
- Requiring that bills carrying or requiring appropriations be referred to the standing committee having jurisdiction over appropriations and budgets (Connecticut, Georgia, New York, Wisconsin);
- Outlining the deliberative process that each bill assigned to a standing committee must pass through (Delaware);
- Standing committees are permanent and exist during the term of the legislature (Idaho, Wisconsin);
- Granting presiding officer power to set the time and place of standing committee meetings (Maryland);
- Standing committees are directed to consider how proposed legislation potentially affects scientific and technological development and conforms to the state’s science and technology section (Minnesota);
- Prohibiting standing committees from meeting during the interim (Montana);
- Giving standing committees the power to create subcommittees (North Carolina, Tennessee);
- Allowing standing committees to set their own meeting times and/or adopt their own rules (New Hampshire, Tennessee);
- Granting standing committees the power to conduct investigations (Hawaii, Kansas, Maine, Maryland, New Hampshire, North Dakota, Texas);
- Requiring standing committees to prepare report(s) of its findings and submit them to the presiding officer at the end of the session;
- Allowing that minority reports to accompany standing committee reports (New Jersey);

- Stating that each chamber shall elect its committees or provide by rule for their appointment (Rhode Island);
- Standing committees are at the call of the chair or a majority of committees members (Tennessee);
- Outlining duties of standing committees and directs that they are to meet regularly (Texas);
- Allowing standing committees to meet when the legislature is not in session (Texas); and
- Requiring a joint meeting of standing committees in charge of appropriations for consideration of the budget (Wyoming).

Another area where we uncovered more statutory activity than anticipated were directives regarding the content of bills or the process for consideration of bills. Almost 43 percent of the states have adopted laws in this area. In some states these laws dictate that bills must be single subject, pass three readings and carryover to the second session if not fully considered during the first session (Alaska). The statutes may dictate that the language of bills be non-technical, clear and coherent (Colorado), that bills do not carry over to the next biennial session, but may be re-introduced (Idaho), or that each bill must have a synopsis (Illinois). Kentucky has adopted a law that allows for joint sponsorship of similar bills, while New Jersey requires that all bills be reviewed by the Legislative Budget and Finance Officer to determine whether or not the bill will impact expenditures or revenues. In Virginia and Wisconsin, laws have been adopted enumerating deadlines for introduction or conditions for considering bills in a number of specified areas. Virginia law also requires that bills that create an advisory board, council, commission or other collegial body of the executive branch contain a provision that results in the expiration of the body after three years.

### Larger Implications of these Findings

Clearly, state constitutions, as well as statutory law are important components to any evaluation of the development and evolution of state legislative structures and procedures. We performed correlation analyses pairing both the raw scores for the constitutional and statutory provisions as well as the rankings. We found no correlation between the two. Therefore, it appears that there is no link between the adoption of constitutional provisions and statutory provisions regarding legislative structure and procedure. In future research, we hope to explore whether there are characteristics of states that make more predisposed to establish legislative structure and procedures in constitutions and/or statutes.

While there is great variation in the extent to which the state constitutions and statutes provide for legislative structure and procedure, it is clear that in some states they provide distinct structures and procedures for their law-making bodies. Some relatively common provisions that are likely to have the largest impact on the development and evolution of state legislatures over time are those that limit session length, limit member terms and salary, place restrictions on the timing of introduction and passage of legislation, limit the agenda of special sessions, and those that impact the structure and processes of the standing committee system.

The discovery that many states have imbedded legislative structure and procedures into their constitutional and statutory documents also has greater implications for the study of state legislatures. Many scholars have applied the theories developed by congressional scholars to the state legislatures. Given the findings of this study, this may be somewhat problematic. These congressional theories (e.g. distributive, informational and

partisan theories of committees, theories concerning structures and member goals, etc.) rely on the assumption that members during any given legislative session have full power and authority to adopt or alter any structure or procedure they choose. Our research in this paper clearly shows that while this generally holds true for the U.S. Congress, it does not hold true in most of the states. In most states, members simply do not have this flexibility – they may be severely restrained by what previous members have passed via statutory law or what has been imposed constitutionally. Thus, a major assumption of this congressional work is violated at the state-level, which means any application of congressional theories to the state legislatures must be very conscious of this potential limitation and modify the theory and expectations accordingly.

**Constitutional Constraints and the Texas Legislature:  
A Case Study for Applying Path Dependency, Organizational Theory and Rational  
Choice Theory to the Evolution of American State Legislatures**

The Constitution of the state of Texas possesses one of the more rigid sets of provisions regarding legislative structure and procedure. The case of the Texas legislature will be used to illustrate how a legislative body's developmental/evolutionary choices were constrained by past decision-making, and how the body ultimately dealt with this limitation. Specifically, we will look at how the institution has evolved regarding the areas of legislator compensation and limits on length of session.

Article III, Section 24 limits legislator salary to \$600 month (\$7200/year) plus a per diem set by the Texas Ethics Commission. The Texas Ethics Commission can also recommend that legislator salary be increased. However, any recommendation to increase legislator salary must be approved by the citizens of Texas. Section 24 also states that “No

Regular Session shall be of longer duration than one hundred and forty (140) days (Texas State Constitution).” Further, Section 5(b) of Article III limits activity during the first 30 days of the session to introduction of bills, emergency appropriations, confirmation of gubernatorial appointees and emergency matters submitted by the governor. During the second 30 days of the session, it limits activity to committee hearings and emergency matters submitted by the governor. The remaining 80 days are to be used to act upon bills and resolutions pending as well as emergency matters submitted by the governor. Several attempts have been made to amend the Texas Constitution to both increase legislator pay as well as length of session. Each attempt has failed with the voters.

The Texas State Historical Association in its on-line Texas handbook (*The Handbook of Texas Online*) provides a detailed historical account of the constitutional provisions regarding compensation and session length. The compensation of legislators was limited by the first Texas Constitution (adopted in 1845). At that time compensation was limited to \$3.00/day with a mileage allowance of \$3.00 for every 25 miles of travel to and from the Capitol. The Constitution of 1861 increased legislator pay to \$8.00/day plus a mileage allowance of \$8.00 per 25 miles travelled. Neither regular nor special sessions were limited in length at this time. The only limit on sessions was that they were biennial and that the governor called special sessions. The Constitution of 1869 (adopted under Reconstruction) allowed for annual legislative sessions, but this provision would revert back to biennial session in the Constitution of 1876 (*The Handbook of Texas Online*).

The Constitution of 1876 is the current Texas Constitution. This Constitution decreased legislative salary to \$5.00/day for the first 60 days of the legislative session and \$2/day for each subsequent day. Pay for special sessions was set at \$5.00/day. According

to *The Handbook of Texas Online*, the low legislative compensation led to a pattern of short legislative sessions followed by an average of three special sessions from 1909-1930. During this period, the regular session of the legislature typically last from January to mid-March. After mid-March, the legislature convened in special session at the call of the governor. The regular sessions were referred to as “member’s sessions” because only member’s bills were considered. The special sessions were referred to as “governor’s sessions” because they considered appropriations and other major bills.<sup>4</sup> This pattern of a short regular legislative session followed by multiple special sessions was a result of three factors – 1) a later deadline for the passage of an appropriation bill; 2) the end of free legislative railroad passes; and 3) most importantly, legislative pay. Members realized that they could earn a higher salary if they met in special session rather than extend the regular session beyond 60 days. They accomplished this by failing to consider legislation important to the governor during the first 60 days of the legislative session and then adjourning – forcing the governor to call special sessions to get the appropriations bill and other major pieces of legislation enacted. When legislator salary was increased in 1930 to \$10/day for the first 120 days and \$5/day for subsequent days, regular sessions began to last longer, but the practice of multiple special sessions continued (*The Handbook of Texas Online*). Bounded by a constitutional limitation on legislator salary, members used pay differences between regular and special sessions to increase their compensation circumventing the need for a constitutional amendment.

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<sup>4</sup> It should be noted that in the Constitution of 1876, the governor was given the power to set the agenda of special sessions of the legislature.

Amendments to the Constitution in 1960 and 1975 further increased legislator salary. Today salary for Texas state legislators is the same as adopted in 1975 - \$600/month plus a per diem of \$30 and a mileage allowance set at the same rate as state employees. This salary of \$7200/year places the Texas legislators well below average relative to legislators in other states. While legislators in the early period used special sessions to increase their salaries, legislators in the modern period have taken another approach. In Texas, individuals may contribute to a state legislator's campaign account and their officeholder account. Campaign accounts can only be used for expenses relating to the election for the office held. Officeholder accounts can be used to defray costs associated with duties and activities in connection with the office (Texas Ethics Commission's Campaign Finance Guide for Candidates, online.) Further, the state of Texas has no limits on the dollar amount of contributions. The only limitation is that corporations are prohibited from contributing (National Conference of State Legislatures website). It has been charged that the Texas Ethics Commission has either too broadly defined what constitutes duties and activities in connection with the office, and has been lax in enforcement. This has allowed legislators to significantly pad their annual legislative compensation without voter approval.

The introduction of a system of multiple calendars in the House of Representatives in 1933 is the second way in which members of the legislature had to think creatively to deal with constitutional provisions that restricted the legislative process. In 1930, the Constitution was amended to include deadlines for bill introductions, committee consideration and floor action. This amendment only allowed the free introduction of bills during the first 60 days of the legislative session - after that a 4/5 vote would be required

to suspend the rules and allow a bill to be introduced. Given that the legislators had chosen to keep regular legislative sessions to 120 days by norm (to maximize compensation using special sessions rather than extend of regular sessions to complete their business), the chamber spent the first half of the session simply introducing new legislation (*The Handbook of Texas Online*). That left only 60 days to consider and pass legislation. In 1933, the Texas House of Representatives adopted a system of multiple calendars to handle legislative flow in order to more efficiently process legislation. This calendar system was maintained after a constitutional amendment was adopted in 1960 that limited regular sessions of the legislature to 140 as workload in the Texas Legislature continued to increase significantly.

Once bills are considered by legislative committees in the Texas House of Representatives they are sent to a Calendars Committee that determines which calendar they will be assigned to one of seven calendars:

- 1) Emergency Calendar: bills that demand immediate action;
- 2) Major State Calendar: bills of statewide effect that have a major impact;
- 3) Constitutional Amendments Calendar: joint resolutions proposing amendments to the Texas Constitution;
- 4) General State Calendar: bills of statewide effect that have a minimal impact;
- 5) Local, Consent and Resolutions Calendar: bills, resolutions where there is such general agreement that opposition to consideration and passage is improbable;
- 6) Resolutions Calendar: non-emergency resolutions and concurrent resolutions
- 7) Congratulatory and Memorial Resolutions Calendar: resolutions meant to congratulate, memorialize, or commend.

Once assigned to the appropriate calendar, bills are then considered as legislative flow allows. The Emergency, Major State and General State Calendars are considered major calendars and the Local, Consent and Resolutions, Resolutions and Congratulatory and Memorial Resolutions Calendars are considered minor calendars. Bills on major calendars are considered before bills on minor calendars during the last 80 days of the session. This differentiation between major and minor calendar becomes more important as the close of the session draws near, since it will become impossible to clear all seven calendars (Tucker 1989). Further, research has shown that these calendars have been an effective tool for workload management in Texas (Tucker 1989).

The case of the Texas Legislature illustrates how path dependency influences the ability of an institution to develop and evolve by adapting to changes in its external/internal environment. Increases in the Texas population led to increasing demands for public policy by Texans, which in turn led to an increasing workload in the Texas Legislature. This increase demand impacted the duties and responsibilities of the legislators. In order to increase their compensation for their hard work, legislators first used special sessions and then contributions to increase their compensation. Short regular session length began as a norm intended to help members maximize their salaries. Over time, this norm became institutionalized in the Constitution. The Texas House of Representatives developed a system of calendars to manage an increasing workload that needed to be considered in a relatively short period of time. In both cases either constitutional provisions or norms created to deal with the consequences of those provisions constrained the choices available to members regarding institutional development and evolution.

## **Discussion and Conclusions**

Where a legislative body starts influences where it can go. Path dependent forces exist both inside and outside the legislature. Inside the legislature, these forces may take the form of long-serving members who have become entrenched in a particular institution and thus are reluctant to change a structure or process that benefits their needs. Outside of the legislature, constitutions and statutes may limit the ability of legislators to alter existing structure and procedures or adopt new ones. Regardless of their origin, these forces constrain the choices available to members when change or reform is desired. At best, the decision-making of members regarding alterations of legislative structure and procedure must take place under some type of bounded rationality.

We have shown in this paper that there is significant variation across the American states with regards to the extent to which constitutions and statutes contain provisions for legislative structure and procedure. In all but a few cases, the state constitutions and states are much more detailed regarding structure and procedure than the U.S. Constitution or the U.S. Code. Further, through the case of Texas, we have illustrated how these provisions constrain the choices of legislators when change is needed or desired.

In this paper we have also discovered that great care needs to be taken when applying congressional theory to state legislatures. The congressional theories assume that members have complete and total control when it comes to altering the institutions that structure and guide the legislative process. This is simply not the case in the states. Past members as well as past generations have “tied the hands” of future members in many areas. Thus, we cannot assume that members of a state legislative body can alter

structures or procedures whenever the current arrangements no longer suit their needs or goals and our theories about state legislative evolution and development must take this reality into account.

In the future, we will expand this analysis to additional states to further illustrate how path dependency, organizational theory and rational choice theory interact to direct the development and evolution of American state legislatures. Specifically, we will discuss how significant historical events such as the Great Depression and court-ordered apportionment of legislative bodies left lasting structural and procedural effects on state legislatures. We will also explore how minor events in the states as well as the interests of members influenced paths of development and evolution of political parties, committees systems and member goals in the American states. Finally, we will consider how constraints caused by path dependence ultimately influence outcomes of the legislative process.

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**Table 1**  
**Constitutional Provisions Regarding the Legislative Process**

	<b>Limitation</b>	<b>%</b>
1	Quorum size stated	100
2	Choose own officers	96.1
3	Must keep journal of proceedings	94.1
4	Limit on length of adjournment without consent of other chamber	92.2
5	Legislature determines own rules	92.2
6	Legislator compensation mentioned	90.2
7	Legislature judges elections and qualifications of members	88.2
8	< Quorum may compel attendance of members	84.3
9	Can request recorded vote	84.3
10	Session start date	78.4
11	Bills contain only one subject	78.4
12	Title of bill must express subject of bill	74.5
13	Legislative sessions/meetings/hearings must be open to public	70.6
14	Final vote must be recorded in journal	70.6
15	Bills must be read on three different days	68.6
16	Vote needed for final passage of bill	62.7
17	Governor can call special session	58.8
18	List of prohibited special/local laws	56.9
19	Limit on session length	56.9
20	Legislature can call special session	52.9
21	Revenue bills must originate in house/lower chamber	41.2
22	Existing laws revised at length, not just by title	41.2
23	Provision to advance bills from 2 <sup>nd</sup> to 3 <sup>rd</sup> reading on same day	39.2
24	People reserve the power of initiative/referenda	35.3
25	Agenda in special session limited to topics in call	33.3
26	Bills must be read at length on final passage	31.4
27	Amendments cannot change original purpose of bill	27.5
28	General appropriations bill limited to government operating expenses	23.5
29	Other appropriations in single subject bills	21.6
30	Legislator terms limit	21.6
31	Legislature can vote to extend session	19.6
32	Vice-President or Lt. Governor is Senate presiding officer	19.6
33	All bills must be referred to committee before becoming law	19.6
34	Laws are to be made by bill only	13.7
35	Power to subpoena people and documents	13.7
36	Deadline for introducing legislation in a session	13.7
37	Bills from 1 <sup>st</sup> session carryover to 2 <sup>nd</sup> session in the biennium	13.7
38	Provision for organizational session	11.8
39	Majority elected needed to concur in other chamber amendments/conference reports	9.8
40	Votes on concurrence recorded in journal	9.8
41	Extraordinary majority required for tax/revenue bills	9.8
42	Limit on length of special sessions	9.8
43	Time limit to pass bills	9.8

	<b>Limitation</b>	<b>%</b>
44	Interim committees allowed	7.8
45	No local laws when a general act will suffice	7.8
46	Must wait a specified time before hearing/considering a bill	7.8
47	Local notice to be given of intent to introduce local bill	7.8
48	No bill rejected may be reintroduced that session	7.8
49	Budget/Appropriations bills in odd/even year only	7.8
50	Provision/Limitation for the hiring of staff	7.8
51	Process for discharging bills from committee consideration	5.9
52	Must revise, digest, promulgate laws from time to time	5.9
53	Time limit on effect of appropriations	5.9
54	Power to conduct investigations	5.9
55	Bills should be plainly worded; avoid technical language	5.9
56	Legislature can nullify administrative rules	5.9
57	Deadline for passage of bills	5.9
58	Committees must keep proceedings including records of votes	5.9
59	Limit on legislator retirement benefit	3.9
60	Committees must give public notice of meetings	3.9
61	Committees must give public notice of meeting agendas	3.9
62	Deadline for pre-filing bills	3.9
63	Time limit on passage of revenue bills	2
64	May vote to change or add to special session agenda	2
65	Legislature cannot repeal initiative/referenda passed by the people	2
66	May vote to dispense with consideration time limit	2
67	Legislature may not act on any other business until fiscal emergency bill sent to governor	2
68	Limit on number of bills a legislator may introduce	2
69	Not tax/revenue bills in odd/even year	2
70	No bill becomes law without a public hearing	2
71	Provides for creation of consent calendar	2
72	Initiative petitions referred to committees, where it can be substituted	2
73	People must approve revenue bills	2
74	Legislature must vote to set calendar	2
75	People must approve of salary increases for legislature	2

**Table 2**  
**American Legislatures Ranked by**  
**Constitutional Provisions Regarding Legislative Structures and Procedures**

<b>Rank</b>	<b>Legislature</b>	<b>Score</b>	<b>Rank</b>	<b>Legislature</b>	<b>Score</b>
<b>1</b>	Louisiana	39	<b>T26</b>	Nevada	22
<b>2</b>	Alabama	36		Ohio	22
<b>3</b>	Arkansas	35	<b>T29</b>	Hawaii	21
<b>4</b>	Missouri	33		Indiana	21
<b>5</b>	Oklahoma	32		Tennessee	21
<b>T6</b>	California	31		Utah	21
	Pennsylvania	31	<b>T33</b>	Delaware	20
<b>T8</b>	Mississippi	30		Minnesota	20
	Texas	30		Montana	20
<b>10</b>	Wyoming	29		West Virginia	20
<b>T11</b>	Colorado	28	<b>37</b>	New Jersey	19
	New Mexico	28	<b>T38</b>	Iowa	18
<b>T13</b>	Georgia	26		North Dakota	18
	Michigan	26	<b>T40</b>	Kansas	16
<b>T15</b>	Arizona	25		Maine	16
	Oregon	25		New York	16
	Virginia	25		South Carolina	16
	Washington	25	<b>44</b>	Wisconsin	15
<b>T19</b>	Alaska	24	<b>45</b>	Massachusetts	12
	Florida	24	<b>T46</b>	Connecticut	11
	Maryland	24		North Carolina	11
<b>T22</b>	Idaho	23		Vermont	11
	Kentucky	23		U.S. Congress	11
	Nebraska	23	<b>50</b>	Rhode Island	10
	South Dakota	23	<b>51</b>	New Hampshire	7
<b>T26</b>	Illinois	22			

**Table 3**  
**Statutory Provisions Regarding the Legislative Process**

	<b>Area of Provision(s)</b>	<b>% States</b>
1	Member compensation (Includes salary, expenses, mileage, per diem, etc.)	89.8
2	Directives concerning oversight of the administrative agencies	79.6
3	Establishment of administrative bodies for the legislative branch (Legislative Council, etc.)	79.6
4	Subpoena powers (persons and/or documents)	73.5
5	Establishment of time and place of regular sessions	59.2
6	Provisions for the hiring of staff and employees	53.1
7	Directives regarding the structure and functioning of standing committees	51.0
8	Listing of chamber officers/Directives regarding election of chamber officers	49.0
9	Listing/Creation of joint committees/Directives for functioning of joint committees	46.9
10	Directives concerning the content of bills or process of consideration of bills	42.9
11	Fiscal notes required for bills impacting revenue or taxes	42.9
12	Listing/Creation of interim committees/Directives for functioning of interim committees	36.7
13	Directives regarding the pre-filing of legislation before the start of a session	34.7
14	Instructions for calling a special/extraordinary session	28.6
15	Limitations on length of special/extraordinary sessions	18.4
16	All sessions/meetings of legislature/committees must be recorded and/or open to public	18.4
17	Each chamber must/has right to adopt rules of procedure	16.3
18	Limitation on duration of regular session	8.2
19	Must have a public hearing on certain and/or all bills	4.1
20	Directives regarding voting procedure	2.0

**Table 4**  
**American Legislatures Ranked by**  
**Number of Areas where Statutory Provisions Regarding Legislative Structures and Procedures**  
**Have Been Adopted**

Rank	Legislature	Score	Rank	Legislature	Score
<b>1</b>	Alaska	16	<b>T27</b>	Kansas	8
<b>2</b>	Arkansas	13		New Jersey	8
<b>T3</b>	California	12		New York	8
	Illinois	12		Rhode Island	8
	Montana	12		South Dakota	8
	Wisconsin	12		Texas	8
<b>7</b>	Connecticut	11		Utah	8
<b>T8</b>	Idaho	10		Vermont	8
	Minnesota	10	<b>T35</b>	Delaware	7
	North Carolina	10		Georgia	7
	New Hampshire	10		Maine	7
	Tennessee	10		Massachusetts	7
<b>T13</b>	Alabama	9		Nevada	7
	Arizona	9	<b>T40</b>	Mississippi	6
	Louisiana	9		New Mexico	6
	Maryland	9	<b>T42</b>	Hawaii	5
	Missouri	9		Michigan	5
	Ohio	9		Nebraska	5
	Oregon	9		Pennsylvania	5
	South Carolina	9		U.S. Congress	5
	Virginia	9		Washington	5
	West Virginia	9	<b>48</b>	Kentucky	4
	Wyoming	9	<b>49</b>	North Dakota	3
<b>T24</b>	Colorado	8			
	Florida	8			
	Indiana	8			

\*Oklahoma and Iowa not coded