

Working Outside of the House (and Senate): Outside Careers and Partisan Bias in Professionalized State Legislatures

ABSTRACT

This paper reexamines Fiorina's (1994) hypothesis that professionalization produces Democratic electoral advantage. In particular, I examine the claim that this bias stems from the incompatibility of the maintenance of private careers during service in professionalized legislatures. First, employing principal-agent theory, I develop a theoretical rationale to challenge the claim that legislators can not integrate public and private careers in professionalized legislatures. I argue that members hold maintaining outside careers as a goal and create institutions to facilitate this goal even in the face of the demands of professionalized legislatures. Second, I examine the outside career goal empirically, employing a new, behaviorally based measure of outside careers derived from legislator financial disclosure reports. The data indicate that outside careers are more prevalent than predicted in the literature. Third, I develop a model to predict outside careers at the individual level based on opportunity costs and institutional context. The findings show that opportunity costs shape outside career behavior, but that variables beyond party, such as sex, race, and age, are better indicators of opportunity costs and predictors of outside careers.

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One of the more important and controversial hypotheses regarding the effects of professionalization is Fiorina's (1994, 1999) claim that professionalization provides an electoral bias in favor of Democrats. At the heart of this claim is the presumption that the increasing demands of professionalization make it difficult for legislators to maintain outside careers during legislative service. As legislatures become "full-time" institutions, (potential) legislators are assumed to choose between public and private careers. Because Republicans bear greater opportunity costs in professionalized legislatures (as a result of generally higher earnings), Republicans select out of legislative service, thus producing Democratic electoral advantage.

In this paper I evaluate the theoretical and empirical roots of this argument. There has been little systematic analysis of outside career behavior or the specific claim about the incompatibility of public and private careers in professionalized institutions. There are both theoretical and empirical reasons to reexamine the incidence of full-time legislative careers. Theoretically, we should question the abandonment of the legislator goal of maintaining outside careers in the absence of constraints (institutional rules, laws) or conflict with other, higher priority goals (electoral and policy).¹ Given the lack of legislative production quotas, the weakness of accountability at the state level, the absence of institutional rules or electoral demands for exclusively public careers and the generally greater remuneration of private interests, we should expect that legislators continue to desire to maintain their private careers. As has been argued regarding a

¹ Some states prohibit concurrent employment or officeholding in state and federal government. States do not proscribe private sector employment or officeholding in local government, or place limits on the quantity of extralegislative income.

number of legislative institutions, institutional development and evolution should comport with the goals of legislators. As such, we should expect that legislators adapt or create institutions that allow them to achieve this goal of maintaining outside careers in conjunction with the achievement of electoral and policy goals. For example, effective delegation of power and responsibilities to leaders and staff can allow legislators to achieve institutional goals while maintaining outside careers.

Empirically, our evidence of the incidence of outside careers is weak. Much of the evidence of “full-time” legislative careers comes from legislator self-identification in surveys and legislative directories. For a number of reasons these responses are likely to be biased. Moreover, the uncertain definition of “full-time” service provides little substantive indication of the extent of commitment or the magnitude of outside interests (if any). To date, we have lacked measures of career *behavior* (legislative and extra-legislative) that would provide a clearer sense of the prevalence of full-time legislative careers and concurrent outside careers. Generally, the data has been insufficient to test the hypothesized relationships between professionalization, outside careers, and partisan electoral bias.

In this paper, I try to bridge this gap by providing a sounder theoretical basis for understanding outside career behavior and new data on outside career behavior. In establishing the outside career goal, I provide a foundation for examining outside career behavior and testing the degree to which outside career behavior varies by party and may produce partisan advantage. While the literature suggests that party is the primary means of operationalizing opportunity costs, I posit that party is a far less important indicator of opportunity costs than other factors that more directly speak to lower private sector

earning potential (sex, race, old age). I hypothesize that the probability of outside career activity is correlated with the opportunity costs of legislative service, as measured by sex, race, age, and party. Despite increases in salaries and time demands, legislative service entails significant opportunity costs for the typical legislator. Given the demographic profile of legislators and candidates from both parties, it is expected that party will explain less variance than demographic factors such as race, sex, and age that shape labor market behavior and prospects generally.

To test this model of outside career participation, I employ a new dataset on legislator outside careers derived from financial disclosure reports. 47 states require legislators to submit financial disclosure reports detailing employment and business interests. By analyzing these reports, I determine the proportion of legislators that maintain private careers during their legislative service. I analyze individual outside career activity in nine higher salary states, separately and in a pooled dataset. The results indicate that outside career behavior is shaped by the opportunity costs of legislative service. Importantly, both general demographic factors (sex, race, age) influence the probability that legislators have outside careers, even when controlling for party. In addition, outside careers are more prevalent where legislative salary is lower relative to median family income.

A. A Theoretical Account of Outside Careers: Legislator Goals, Shirking, and Legislative Institutions

The institutional changes in state legislatures during the last 35 years have been enormous. Numerous legislatures have been transformed from amateurish institutions with short, often biennial, sessions, little staff, inadequate office space, and poor

information management systems into far more institutionally developed, professional chambers. While few legislatures are as professionalized as Congress, the increasing resources available to legislators, increased compensation, and longer sessions in many legislatures mark substantial institutional changes. (Squire, 1992)

These institutional changes are presumed to have important implications for legislative behavior and organization. In particular, scholars claim that professionalization has altered the nature of legislative service. Legislators in professionalized legislatures are presumed to be “full-time” legislators. The growing demands of legislative service are perceived to make outside careers unsustainable. Moreover, increasing salary decreases the need to maintain outside careers. (Jewell, 1982; Moncrief and Thompson, 1992; Rosenthal, 1993; Rosenthal, 1998; among others)

On the basis of the presumption that members have full-time legislative careers, scholars have made wide-ranging predictions about legislative organization and electoral competition. Yet, scholars rarely examine the simple behavioral premise underlying their work. We have little systematic evidence of the outside career behavior of state legislators. While there is a seemingly compelling superficial logic to the claim that longer sessions and higher salaries crowd out outside careers and change legislator orientations, these claims are essentially untested.

In particular, consider Fiorina’s (1994, 1999) claim that professionalization favors Democrats over Republicans. Fiorina argues that professionalization (increased salary, longer sessions) alters the relative attractiveness of legislative careers for Democrats and Republicans. Republicans, on average, earn more than Democrats in the private sector, so the greater time demands of full-time legislative service increase the opportunity costs

of legislative service for Republicans relative to Democrats. For Democrats, rising legislative salaries make legislative service a generally more attractive career option given their lower private sector earning potential. Fiorina argues, “In sum, in amateur legislative settings the critical question is, ‘Who has the flexibility to *combine* legislative service and an outside career?’ In professional legislative settings, the critical question is, ‘Who is willing to *sacrifice* an outside career for legislative service?’ If the career patterns of Democrats and Republicans are as just posited, then, *ceteris paribus*, the answer to the first question is, ‘More likely, Republicans,’ and the answer to the second is, ‘More likely, Democrats.’” (Fiorina, 1994, 307) By extension, Fiorina argues that professionalization has diminished the legislative prospects for Republicans, as larger shares of Republicans select out of legislative service.

The claims of the incompatibility of public and private careers and partisan differences in the incidence of opportunity costs are dubious theoretically and empirically. In particular, the hypothesized inability of legislators in professionalized legislatures to maintain outside careers is curious in light of the general theoretical explanations of institutional development and change. Legislative institutions evolve to serve legislator goals. Given historical patterns of behavior, relatively low salaries, and the uncertainty of legislative careers, I posit that legislators hold the goal of maintaining outside careers (tertiary to electoral and policy goals). In the absence of prohibitions on outside careers or an emergent incompatibility between maintaining outside careers and the achievement of electoral policy goals, we should anticipate that legislators continue to hold the outside career goal. Longer sessions (which purportedly complicate the combination of public and private careers) did not necessarily change member goals as

much as they may have made them more difficult to achieve.² The broader question is whether they can create or adapt institutions to permit them to achieve these goals under the heightened time constraints produced by professionalization.

Principal-agent theory and the literature on the logic of delegation in legislative settings provide a useful theoretical perspective for exploring outside careers. Outside career activity in professionalized legislatures is “participatory” shirking. In legislative contexts, shirking generally refers to voting behavior. For Kalt and Zupan (1990), the opportunity for shirking presents prospects for legislators to pursue their ideological preferences.³ Similarly, Parker argues the tools of incumbency developed in Congress since the 1960s are meant to maximize legislator discretion, permitting members to win re-election while engaging in ideological shirk. I conceive of participatory shirking as nonparticipation on “work horse” elements of the legislative process, such as participating in markups, lobbying other members, and participation and attendance in committee and subcommittee hearings. (Hall, pp. 50-3.) In essence, legislators participate less in the basic operation of legislatures than expected by constituents. Given the general lack of visibility of state legislative politics, we might anticipate that the opportunity for shirking is even greater than in Congress.

Participatory shirking is a result, then, of basic problems of collective action in a “free” enterprise with poor monitors. The core of the Fiorina argument rests on claims of

² Note that I am not claiming that higher salaries do not reduce the prevalence of outside careers. Clearly, fewer legislators in Massachusetts (annual salary \$46,410) will have outside careers compared to Maine (annual salary \$9,000). Moreover, I do not claim that legislators attempt to maximize their income. Rather, I assert that legislative salaries are still sufficiently low in professionalized states and private sector earnings sufficiently high for most legislators that many perceive the need to maintain outside careers. I conceive of legislators as satifying income by combining legislative and private sector careers. Moreover, electoral uncertainty provides additional incentives to maintain private careers. In addition, the long-term costs of sacrificing one’s private sector career may be far greater, especially for small business owners.

time constraints; longer sessions crowd out outside careers. Yet, these claims about time constraints seem misplaced given an institutional setting in which shirking is a readily available option. In the absence of institutional directives or electoral sanctions, we hardly should be surprised that legislators shirk by maintaining outside careers. Moreover, the ability of legislators to delegate authority and responsibility to leaders and staff allow them to expand the time that their enterprise devotes to legislative participation without necessarily increasing personal involvement. Various applications of principal-agent theory suggest that legislators employ institutions to facilitate the achievement of a variety of goals. (Clucas, 2001; Cox and McCubbins, 1993; Kiewet and McCubbins, 1991; Maltzman, 1997) I suggest that an additional impetus for institutional development is the preference of rank-and-file members to integrate public and private careers. Effective delegation allows legislators to expand legislative time, permitting them to accomplish electoral and policy goals through their agents while freeing them to pursue extra-institutional goals.⁴

Assuming outside career goals, limitations on outside career behavior should result either from externally imposed restrictions (institutional rules, laws) or self-imposed restraints due to the incompatibility of private careers and electoral and policy goals. I posit that each of these conditions are lacking in state legislatures. No state has either institutional rules or laws that limit private sector employment or the quantity of

³ Kalt and Zupan acknowledge the possibility of participatory shirking, but do not pursue this line of the argument.

⁴ We should also be careful not to overstate the time demands of professionalized legislatures. While sessions are nominally longer, much of the activity occurs in enormous bursts at the end of sessions. Of particular importance, much of the most visible behavior, floor voting, occurs generally at the very end of sessions. In many states, committee schedules are limited for much of the year.

non-legislative income.⁵ There simply are no state parallels to House Rule XXV or the Ethics in Government Act of 1978 that limit income from external sources and prohibit employment during service in Congress.⁶

It is similarly unclear that maintaining outside careers has any bearing on the achievement of electoral goals. Voters are notably poor monitors at the state level. To the degree that they hold legislators accountable it is likely on the basis of outcomes, not legislative participation or exclusive legislative careers. Indeed, in many states, legislative careerism is perceived negatively by voters. Given evidence that legislative entrepreneurship is of little electoral value in Congress, we should not anticipate that such activity has much value in the states, where voter attention and issue salience are lower. (Wawro, 2000) Moreover, collective party outcomes (i.e. balanced budgets) appear to be especially important in state legislative elections. Voter emphasis on these outcomes should lead legislators to delegate greater authority to party leaders, thereby reducing their individual policy responsibility and, likely, their participation.

In addition, state legislative electoral outcomes are driven, in part, by coattails from higher offices - factors beyond the control of individual legislators. (Berry, Berkman, and Schneidermann, 2000) Empirical evidence suggests that in professionalized legislatures reelection is driven additionally by the institutional

⁵ Some state constitutions prohibit legislators from holding additional positions in federal and state government. They do not, however, limit election to offices in local government, employment by local government, or private sector employment and income.

⁶ The experience in Congress is especially insightful. Prior to the implementation of an ethics code in 1977 and the passage of the Ethics in Government Act of 1978, members of Congress often maintained outside careers. (Fisher, 1980; Wilson, 1908) As late as 1967, 44 percent of lawyers in Congress were practicing law during their terms; among easterners, 58 percent maintained practices. (Kirby, 1980, 175-6) Indeed, some claim that the Tuesday-Thursday schedule in the Congress was, in part, an accommodation for members with outside careers. If members of Congress found it possible to integrate public and private careers as late as the 1970s, it is certainly likely that state legislators can do so today.

resources of incumbency (growth in staff, franking privileges, etc.). (Berry, Berkmann, and Schneidermann, 2000) The use of these institutional resources does not imply that legislators themselves need to be involved in the provision of services that are important for their reelection. Staff, for example, performs casework and manages constituency communication generally. In general, the growth of staff resources increases the number of man-hours available for a legislator, permitting her enterprise to devote more time to legislative service without diminishing outside career activity.

Similarly, the achievement of policy goals does not necessarily imply participation in the making of said policy. The committee system operates on just such a principle. Legislators delegate authority over particular policy areas to a subset of members who develop expertise and produce policy proposals. (Krehbiel, 1991) Evidence from state legislatures suggests that outlier committees are exceedingly rare, implying that committees are representative of chamber preferences, removing the problem of adverse selection and increasing the likelihood that policy outcomes are consistent with median member preferences. (Overby and Kazee, 2000; Overby, Kazee, and Prince, 2001) Similarly, legislators can delegate authority to party leaders to manage the production of policy. Rank-and-file legislators hold leaders accountable for collective and policy outcomes through elections at the beginning of each session.

This is not to claim that members do not participate at all in the making of policy. Rather, I posit that institutional arrangements enable legislators to reduce the time costs and general opportunity costs of legislative service. Legislative service is a continuous rather binary choice. The degree to which legislators choose legislative service varies

with the opportunity costs of service, the effectiveness of delegation, and the expectations of voters.

Consider the implications of participatory shirking for decisions about delegation to leaders. Widespread participatory shirking exacerbates general problems of collective action. In order to overcome these collective action problems, legislatures should delegate authority to central agents (leaders) to manage the institution and provide desired collective outcomes. Leaders assume the costs of legislative service in exchange for additional compensation and credit for outcomes. (Cox and McCubbins, 1993; Clucas, 2001) The implication is that leaders are stronger in state legislatures, *ceteris paribus*, because of more severe problems of collective action.

Indeed, leaders in state legislatures are consistently stronger than their counterparts in Congress. Comparing the formal institutional powers of lower chamber speakers in the states and Congress, Hamm and Squire find that in 2001 eleven state speakers are more powerful than Speaker Cannon and 44 have greater power than Speaker Hastert. (Hamm and Squire, 2001) While this greater power cannot be attributed solely to the desire to engage in participatory shirking, this evidence is consistent with the claim that legislators need stronger leaders in order to subsidize the maintenance of outside careers. Clucas (2001) finds preliminary evidence that speakers are stronger in professionalized legislatures.

In addition, empirical evidence suggests that the claim of differential opportunity costs on the basis of party is overstated. While it is likely that the opportunity costs of legislative service in full-time legislatures provide the Democrats with a larger general pool of candidates, there is little evidence that either party recruits “typical” citizens. The

demographics of state legislators indicate that representatives from both parties endure significant opportunity costs. The typical legislator is a college-educated, middle-aged, white man; a high earner in prime earning years. For example, in their survey of non-incumbent legislative candidates in eight states, Moncrief and Hamm find that median income is between \$50,000 and \$69,999 for both Democrats and Republicans. In two of the more professionalized legislatures (MI, NJ), median income for Democrats is even higher (\$70,000-\$89,999). Similarly, the educational attainment of Democratic candidates in these states indicates high private sector income, with 61 of 69 candidates at least attending some college and 41 of 69 graduating from college or having post-graduate education.⁷ Given this profile, it is dubious that many members find legislative salary comparable to external income opportunities, regardless of party.

The object of this section of the paper has been to challenge theoretically and empirically the claimed incompatibility of public and private careers in professionalized legislative institutions. In the absence of formal proscriptions on outside careers or electoral costs, it is reasonable to assume that legislators prefer to maintain outside careers. Principal-agent theory and the logic of delegation provide sound theoretical footing for such a claim. The ability of members to delegate authority and responsibility to leaders and staff permit members desirous of outside careers to bear the emergent costs of professionalization. While a full application and test of principal-agent theory to state legislative institutions is beyond the scope of this paper, I hope that by providing a theoretical basis for the compatibility of legislative service and outside careers I establish

⁷ I am grateful to Peverill Squire for generously sharing the Survey of Nonincumbent Legislative Candidates conducted by him and Gary Moncrief.

a theoretical foundation for reevaluating the hypothesized partisan bias of professionalization.

B. Public Service and Private Careers: Measuring “Full-Time” Legislative Service

The assumption that members desire to maintain concurrent private careers is a testable empirical claim. Francis, for example, finds that legislator career satisfaction correlates negatively with session length, indicating that the opportunity costs of legislative service are a significant concern to legislators who desire to maintain careers. (Francis, 1985) More directly, the career behavior of legislators suggests that members largely attempt to combine legislative service and private careers. Legislator surveys indicate that most identify occupations other than legislator. In 1995, only 14% of legislators identified themselves as full-time legislators, down slightly from 14.9% in 1993. Excluding retirees (7.6%) and homemakers (1.1%), categories that make little sense if we are interested in current career behavior, 73% of legislators report a non-legislative occupation. (Hirsch, 1996) As one might expect, in professionalized legislatures, fewer members retain private interests. In 1995, 47 – 82% of legislators claimed to be full-time legislators in the five legislatures (PA, NY, MA, WI, OH) in which legislators most often identified themselves as full time legislators. (Hirsch, 1996)

Importantly, these survey data suffer from measurement bias and problems of reliability. Survey data are problematic in that responses are likely influenced by perceptions of the appropriate role and behavior of state legislators. Legislators in low-salary or conservative states are likely to understate legislative careerism, as voters may disapprove of careerism. Legislators in high salary or liberal states are influenced in the

opposite direction, understating outside careers given public expectation and financing of “professional” legislatures. Hirsch acknowledges precisely this problem of false reporting. (Hirsch, p. 4) Simply put, these data are subjective, rather than behavioral; the data indicate general career orientations rather than actual career behavior.

In addition, there is no standard definition of “full-time” legislative service. The behavioral implications of the designation “full-time legislator” are given the absence of restrictions on outside careers and the absence of any form of productivity requirements. It is unclear whether “full-time” legislators claim legislative service comprises a forty-hour (or more) work week, connotes legislative service to the exclusion of other careers or jobs, or is the dominant professional identity of legislators who may have multiple concurrent careers. Similarly, categories such as “retired” or “homemaker” are indicators of career identities, but tell us little about the extent of current commitment to legislative service. In terms of current behavior, retirees or homemakers have exclusive legislative careers and should be coded as full-time legislators. (Hirsch, p. 3)

There are also problems of reliability. Much of the evidence on outside careers comes from legislative directories and blue books in which legislator identify their occupations as part of a general profile. Career and general biographical information is often reproduced unchanged from session to session, as there are no formal requirements to update this information. However, we should anticipate that private career behavior varies as legislative careers evolve.

To avoid these problems of measurement bias and reliability, I develop measures of outside career behavior by employing a rich, new source of data on state legislators. I utilize financial disclosure and conflict of interest reports to develop behavioral measures

of the frequency of outside careers. Required by state law in 47 states, these reports require legislators to disclose a variety of private interests, including sources of income, employment, investments, and gifts.⁸ These reporting requirements generally have been implemented in order to track possible conflicts of interest among legislators. However, the information required provides significant insight into ongoing employment and career activity. While the level of specificity in reporting requirements varies by state, nearly all states require sufficiently detailed information to indicate the incidence of extra-legislative careers. That is, we can determine what percentage of legislators are concurrently employed, holding other elected offices, or managing businesses during their legislative service. Once we know what percentage of members have outside careers, we also can calculate the percentage of legislators that have exclusive legislative careers (thus, approximating full-time service). In addition, in several states legislators are required to provide income or ranges of income (in some cases federal tax returns are required), providing additional clarification of the extent of outside careers. As a result, we can discern the munificence of these outside interests and develop a general sense of the time costs of these activities.

An important additional advantage of these reports is that they are legal requirements and documents, thus there are potential sanctions for failing to submit the reports or falsifying information. In 44 states, the submission of falsified information is a criminal offense, punishable with fines and/or incarceration.⁹ State law or legislative

⁸ Legislators in Idaho, Michigan, and Vermont do not have to disclose private business activities or interests.

⁹ There is no punishment for filing inaccurate or fraudulent reports in Hawaii, Indiana, and Iowa. Center for Public Integrity, “Hidden Agendas: How State Legislators Keep Conflicts of Interest Under Wraps.” Center for Public Integrity Website, <http://www.50statesonline.org/cgi-bin/50states/findings.asp?Display=4>. February 15, 1999. Accessed August 10, 2001.

rules provide for fines and/or sanction for late reports in 40 states.¹⁰ Most states require annual submissions or amendments whenever interests change, providing greater reliability than surveys.

The Center for Public Integrity (CPI) has collected all of these reports for 1999 and made them available on-line at www.50statesonline.org.¹¹ The actual reports of individual members can be downloaded and printed, and CPI provides summaries of the interests of each member. Employing these reports and the CPI database, I calculate the percentage of members that have private (non-legislative) interests while serving in the legislature. I code members as having outside interests if CPI codes an interest as providing employment income, income from client, income from consulting, or income from the sale of crops. Income from government is coded as providing an outside interest where it indicates general employment or holding additional elected office. I also code law partnerships and business ownership (generally listed by CPI as “Personal Business Interests”) as outside career interests. Business ownership was ascribed where reports indicated 50 percent or greater ownership or where firm names were eponymous. Minority business shares and general stock investments were not coded as career interests. I also exclude investment interests and income, dividend and interest income, rental income, and board service and directorships. These coding decisions reflect an effort to account only for those activities that require significant time commitments that might influence decisions about participation or delegation.

¹⁰ There is no punishment for submitting late reports in Indiana, Iowa, Louisiana, Maine, Mississippi, New Hampshire, and Virginia. Center for Public Integrity, “Hidden Agendas: How State Legislators Keep Conflicts of Interest Under Wraps.” Center for Public Integrity Website, <http://www.50statesonline.org/cgi-bin/50states/findings.asp?Display=4>. February 15, 1999. Accessed August 10, 2001.

¹¹ The reports detail member interests for 1998. I do not examine the interests of members elected in 1998 as freshmen because I am interested in the maintenance of private interests during legislative service.

An objection to the use of this data is that it does not measure the actual time costs of these outside careers. Short of tracking the hours of legislators, specific measures of the balance of time allocated to public and private careers is not possible. However, we can make reasonable conclusions on the basis of available data and theoretical predictions.

For example, the theory of the firm suggests that legislator-business owners can choose to delegate management of their private enterprises to managers, thus freeing them to pursue their public careers. In effect, the same logic that was presented as the basis of delegation to party leaders, staff, and committees also holds for delegation within private enterprises. However, the risk calculus for legislators would seem to incline them to delegate their public affairs more than their private interests. The potential costs of the adverse selection of managers of private interests are far more severe than those for public interests. The maximum cost for selecting poor legislative agents is electoral loss and the attendant loss of income. The potential cost for selecting poor managers is the failure of the firm and (depending on the legal status of the firm) loss of both income and private assets. In Illinois, for example, 29 of 78 legislators with outside interests list an eponymous business or firm as outside interests. The potential failure of these interests likely implies greater long-term costs than electoral loss.

A similar objection is that legislators coded as having outside careers receive courtesy appointments (to a law firm, for example) in order to curry political favor or help attract clients. For example, as speaker, Willie Brown was a partner in numerous law firms, deriving substantial income, while rarely, if ever, practicing law. Yet, it is unclear that such appointments should be widespread. The logic of these appointments

suggest that firm behavior is instrumental. In most legislatures, it is unclear that a large number of legislators have sufficient influence to merit these sorts of appointments. It is likely that Willie Brown received these appointments precisely *because* he was atypical. Because he controlled the legislative agenda and exercised procedural powers masterfully, he was one of the few members with sufficient power to justify the investment of resources in such appointments. Moreover, the varying role of committees in state legislatures makes courting of members on relevant oversight committees of limited value.

In addition, examination of career interests indicates that these are generally substantial, time-consuming concerns. First, note that I exclude directorships and board memberships (excluding Chief Executive Officers), appointments that require little time. Second, a sizable percentage of legislators have jobs with clear titles that imply actual responsibilities. In Illinois, for example, 31 of the 78 legislators with outside interests list positions other than attorney or business owner, indicating a strong likelihood of real responsibilities. These jobs include pharmacist (2), employee of the Chicago Department of Streets and Sanitation (2), local elected official (3), hospital administrator (1), investment banker (1) bank vice presidents (1), police officer (1), and minister (1). Lawyers, the profession most amenable to these appointments, comprise nearly 1/3 (25 of 78) of those with outside interests. Eleven of these lawyers list eponymous, singly-named practices (i.e. John Smith Law Practice). These do not appear to be large partnerships to which the legislator has been made partner in order to secure access or business.

Table 1 reports outside career behavior in ten of the more professionalized legislatures and provides a contrast with estimates of “full-time” legislative service based on self-identification in legislative directories. (Hirsch, 1996) The greatest differences appear in those states at the extremes of reported full-time service. It is likely that legislators are influenced by public perceptions of the proper role of legislators in these states. In addition, the low end of reported full-time service demonstrates the uncertainty of some of the characterizations of career status. While only two percent of legislators in Oklahoma identify as full-time legislators, 5.4 percent are retired and 1.3 percent are homemakers. (Hirsch, 1996) It is unclear why these are not full-time legislators. In general, my measure of “No Outside Interests” is higher than reported full-time service. This likely reflects both the conservative coding scheme and incentives to underreport full-time status in many states.

[Insert Table 1 about here]

Nonetheless, the data indicate that a majority or near majority of legislators engage in outside careers. Of particular interest, even in the most professionalized legislatures large shares of members maintain outside careers. A majority of legislators in four of the seven states with salaries greater than state median household income maintain outside jobs. Wisconsin, the state with the lowest rate of outside interests, provided a wealth of coding problems. Thirty-nine (39) percent of legislators were coded “no interest” while having at least one unattributed and currently unverifiable sources of income.¹²

¹² In addition, analysis of outside interests in other states provides support for the claim that this measure of careerism avoids some of the biases of directory based measures. Figure 1 is a scatterplot of the measure of outside careers and the differences between the measure of outside careers and directory (Hirsch) measure for 28 states. Points to the right of the line indicate that the directory measure reports greater careerism than the outside career measure. Points to the left of the line indicate that the directory measure exaggerates careerism relative to the measure of outside careers. Points are marked by degree of professionalization (professionalized, hybrid, citizen). As expected, the differences indicate that legislators

In sum, the data provide preliminary evidence that scholars have overstated the growth of full time legislative careers in professionalized legislatures. Moreover, the data indicate that private interests are substantial. Several states require that members indicate the range of income that they receive from employers. In Massachusetts, for example, members who reported income earned an average of \$34,000, 73% of their legislative salary.¹³ There is clearly sufficient evidence to reject the claim that outside careers are currently incompatible with professionalized legislatures.

D. Opportunity Costs and Outside Careers: Who Works Outside of the House (and Senate)?

Given that outside careers are prevalent, I examine the characteristics of those with outside careers. The literature suggests that the incidence of opportunity costs should influence legislative careers decisions and, by extension, choices regarding outside careers. In particular, Fiorina emphasizes the partisan implication of the changes in opportunity costs wrought by professionalization. Because Republicans earn more than Democrats, it is anticipated that they find legislative careers less desirable. In particular, the exclusivity of legislative service means that Republicans select out of the institution. Since the evidence presented above illustrates that legislators do have outside careers, I test whether party predicts outside career behavior in a manner consistent with the claim of differential opportunity costs.

overstate careerism in professionalized legislatures and understate it significantly in “citizen” and “hybrid” legislatures.

¹³ Legislators report ranges of income. With the exception of the greater than \$100,000 category, I employed the midpoint of each reporting range to calculate income. For the greater than \$100,000 entries I used \$100,000 as the income, likely understating income significantly. Virginia and Washington also require legislators to provide a range of income from each source. Florida requires legislators to provide the exact amount of income from each source.

However, the differences in the opportunity costs by party are likely overstated. While there are likely substantial differences in earning potential in the general population of each party, those differences are likely considerably lower among the elites whom parties recruit for candidates. Indeed, given the educational attainment (college), sex (male), race (white), and age (middle) of most legislators, we should expect that the opportunity costs of legislative service are high for both Republicans and Democrats.

Other individual characteristics, such as sex, race, and age, should be of comparable, if not greater, importance in the determination of the opportunity costs of legislative service. Any group with lower earnings potential in the private sector should find exclusive legislative service relatively more attractive. With lower private sector earning potential for a variety of reasons, women, blacks and Hispanics, and people of retirement age (65 and over) should retain private careers at lower rates, even controlling for party.

Table 2 presents descriptive statistics of outside career activity by party, sex, race, and salary. In order to examine the relationship between salary and outside careers, legislatures are sorted by whether annual salaries are greater than state median household income. Measures of outside careers are based on the use of financial disclosure reports detailed above. There are several notable findings. First, the frequency of outside careers is lower in high salary legislatures, generally and for each of the highlighted subgroups. Second, Republicans are significantly more likely to hold outside careers than Democrats overall and in high salary legislatures. Note, however, that 40 percent of Democrats have outside careers even in these more remunerative institutions. Third, the difference by gender is enormous, regardless of compensation. It is likely that the outside

career behavior is influenced by family responsibilities, in addition to opportunity costs. Fourth, racial minorities hold outside careers less frequently than whites generally and in high salary legislatures. There is not a significant difference (at the .1 level) in low salary institutions. Table 3 reports comparable findings by length of annual legislative session.

[Insert Table 2 about here]

[Insert Table 3 about here]

In general, then, the probability that a legislator engages in an outside career should vary with the incidence of opportunity costs. Democrats, women, minorities, people of retirement age should face lower opportunity costs, if any, and should be less likely to maintain private careers. Similarly, it is anticipated that legislative leaders are less likely to retain outside careers because of the additional compensation that generally accompanies these positions. Moreover, because rank-and-file legislators delegate authority and responsibility to leaders, they likely face greater constraints over the extent of their participation. Lastly, we might anticipate that the longer a legislator serves, the more difficult it is to maintain outside careers. These hypotheses suggest the following model in individual states:

$$P(\text{Outside career}) = f(\text{party, race, sex, age, tenure, leader})$$

I test the model employing data on outside careers from public disclosure reports from 1999 employing the coding scheme discussed in section B above. The dependent variable is a dichotomous variable indicating whether an individual legislator has an outside career. The independent variables (PARTY, SEX, RACE, AGE, LEADER, TENURE) were culled from state legislative directories and blue books for the 1997-98 sessions. Party, sex, race, and leader are dummy variables that are coded “1” for

Democrats, women, racial minorities, and legislative leaders. I test the model on nine individual states (DE, IL, MD, MA, NJ, NY, OK, PA, WI) and then on the pooled dataset after adding several variables to account for interstate variation.¹⁴ These states were selected because they are among the higher paying legislatures, increasing the likelihood that partisan differences in outside career behavior would be observable.¹⁵ As suggested by the literature, such an overwhelming majority of legislators maintain outside careers in low compensation legislatures that there is likely insufficient variance in outside career activity across party.

The model is tested employing probit maximum likelihood estimation. Predicted probabilities are calculated employing Stata's `dprobit` routine. For ease of interpretation, I will refer in the text to the predicted probabilities only. Table 4 provides the results for each of the individual states. Several patterns emerge across the states. First, Democrats tend to be less likely to retain outside careers, although the finding is not significant for all states. Democrats are 17-27% less likely than Republicans to have outside careers. Interestingly, party is significant in the two states that provide the highest salaries. Second, women are significantly less likely to have outside careers. The finding holds across most of the states. Moreover, the magnitude of the effect is substantial, indicating that women are between 23 and 42 percent less likely to have outside careers. Third, age correlates negatively with the maintenance of private careers. The mean age of

¹⁴ Freshmen members are excluded from the analysis because disclosure reports detail economic activity for the year prior to their entry into the legislature. As a result, the number of observations does not match the size of the legislature. In addition, the number of observations is reduced due to missing biographical information. In particular, legislators, especially women, often fail to report their dates of birth, making it impossible to calculate their ages.

¹⁵ Ideally, I would include California and Ohio in this analysis. Unfortunately, both states provide significant data problems. For Ohio, legislators report their age too infrequently for the state to be included in the multivariate analysis. For California, the financial disclosure reporting requirements are too vague to permit differentiation between legislator and spouse employment and business interests.

legislators is 51 and the standard deviation is 11, so legislators are middle-aged and only one standard deviation on average from retirement age. The coefficient suggests that a one standard deviation change in age reduces the likelihood of an outside career by between 1 and 3 percent. Fourth, race is negative, as predicted, across most states, but fails to reach statistical significance.

[Insert Table 4 about here]

Table 5 presents the results of the model on the pooled dataset. In addition to the variables employed in the model for the individual states, I include additional variables to account for factors that cannot be considered in single state tests.¹⁶ MINORITY PARTY is a dummy variable for whether a legislator is in the minority party in her chamber. The implication is that members of the minority party exert little influence in the institution and may feel freer to pursue outside interests. SALARY represents annual legislative salary in 1998 in thousands of dollars. Legislators should be less likely to have outside careers as salary increases. INCOME is median household income in 1998. As median income increases, so should the opportunity costs of legislative service, thereby increasing the probability that a legislator holds an outside career.

[Insert Table 5 about here]

The findings largely support hypotheses about the relationship between opportunity costs and extra-legislative careers. Party is negative and statistically significant, with Democrats 13% less likely to hold outside careers. As in the model for the individual states, women are far less likely than men to have outside careers. Women are 28% less likely than men to have outside careers, twice the effect of party. Minorities

there is inadequate demographic information on legislators to include the state in the quantitative analysis.

are similarly 10% less likely than whites to maintain private careers. Age also correlates negatively with outside careers, although the magnitude of the effect is quite small.

Women, minorities, and retirees have lower private sector earnings potential and are more likely to be satisfied by legislative salaries than men or whites. Opportunity costs are clearly determined by basic demographic factors, as well as party.

In addition, salary and median income affect outside career behavior as predicted. Legislators are more likely to have outside careers as state median household income increases. As expected private sector earnings increase, legislators engage in outside careers to make up the difference between legislative salaries and expected earnings. In contrast, legislators from states with high higher salaries maintain outside careers at lower rates. To more directly measure the effects of the financial costs of full-time service, I employ a variable (OPPORTUNITY COSTS) that is the difference between state median household income and legislative salary. The coefficient is positive and statistically significant, indicating that legislators hold outside jobs more frequently as the opportunity costs of full-time service increase. The range of the variable is approximately three standard deviations, so the impact of the variable at the extremes constitutes a 2.4% change in the probability of private career activity.

E. Discussion

The findings support the general hypothesis that outside career activity is a function of the opportunity costs of legislative service. Legislators who would bear significant opportunity costs in exclusive legislative careers take advantage of the absence of institutions limiting outside careers to satisfy financial goals. In particular, the

¹⁶ I also include a dummy variable for Wisconsin in order to account for coding problems particular to that state.

empirical tests support the claim that consideration of the opportunity costs of legislative service needs to be extended to factors beyond party. Demographic variables that generally shape labor market participation and incomes similarly influence legislative and extra-legislative careers. Women and minorities maintain outside careers at lower rates because the opportunity costs of legislative service generally are lower. Where legislatures offer low salaries, the differences in the outside career behavior by race and sex attenuate, becoming statistically insignificant by race. (See Table 2)

The findings for women merit particular attention given their magnitude and broader implications. In general, there is considerable evidence that the legislative careers of women reflect family responsibilities. Freeman and Lyons (1992), for example, report that surveys of women legislators in four states find that women are significantly more likely to serve in seats within 50 miles of the state capitol. Similarly, female legislators tend to be older than men when first elected to the legislature and their children are more likely to be over nineteen years of age. Homemaker continues to be the single largest occupational category for female legislators. (Freeman and Lyons. 1992) We should expect that these family obligations influence the incidence of outside careers. In light of the data presented above, it may be that exclusive legislative service provides a fairly remunerative vocation that permits sufficient flexibility for women to balance work and family. In general, opportunity costs are more difficult to measure for women whose financial contribution is often less important to their families than their contributions related to managing family life.

The experience of women in professionalized legislatures is particularly instructive. Given Fiorina's logic, we should expect women to be especially well

represented in professionalized legislatures, as Republican men are expected to select out of legislative service. That is, there should be intraparty variance in opportunity costs on the basis of gender that should be reflected in candidate pools. With lower opportunity costs and facing a diminished pool of male competitors, women should comprise a larger share of Republican officeholders in professionalized legislatures. However, most evidence finds that women are elected to professionalized legislatures at significantly lower rates than in citizen and hybrid institutions. (Sanbonmatsu, 2000; Squire, 1992) Sanbonmatsu (2000), for example, finds that Republican women are significantly less likely to be elected to professionalized legislatures. Although I lack systematic data about the gender composition of Republican primary and general election candidates, the data suggest that women actually face *greater* intraparty competition in professionalized legislatures. This does not seem to be simply a function of Republican lack of competitiveness in professionalized legislatures. New Jersey and Pennsylvania, two states with professionalized legislatures and unified Republican control in 2000, rank 42nd and 45th in the percentage of women in their legislatures. (Sanbonmatsu, 2000)

A potential explanation of the relative dearth of Republican women is that the recruitment patterns and institutions are biased. While it is likely that there is some such bias, it is unclear how such a bias would operate if Republican men were selecting out of legislative service.¹⁷ Rather, it appears that Republican men continue to find legislative service attractive in professionalized legislatures. I argue, and the empirical analysis above indicates, that this reflects, at least in part, the availability of outside careers. The

¹⁷ Moreover, historically the Republican Party has been more supportive of women's popular and elite participation. It is unclear whether this has or will change as the Republican Party embraces elements of the cultural conservatism of the Christian Right. (Baer and Bositis, 1988; Sanbonmatsu, 2000)

costs of legislative service are not excessive for Republican men because they can supplement legislative salaries through private careers.

One might anticipate that there are comparable social or group factors that explain the outside career behavior of minorities. For minorities, outside careers may be less attractive precisely because they distract legislators from representing groups that tend to be underrepresented. Minority legislators may perceive greater responsibility to represent their constituents and broader groups. Nonetheless, the statistically insignificant difference in outside career activity in low salary legislatures (see Table 2) indicates that minorities are highly sensitive to opportunity costs, making decisions on outside careers largely on the basis of the adequacy of legislative salaries.

Even after controlling for a variety of demographic and political variables, party is still an important explanation of outside career behavior. Democrats are more likely to find legislative salaries sufficient to maintain exclusive legislative careers. Whether this reflects different opportunity costs or varying perceptions of the worth of public service is unclear.

It should be noted that the analysis presented here cannot reject the hypothesis that professionalization alters the size of the candidate pools of the two parties. However, there are several important reasons for doubting such an effect. First, the claim that the Republicans select out of legislative service rests on the spurious claim of the incompatibility of public and private careers. Large percentages of Republican legislators maintain private careers during public service. The availability of private careers to subsidize public careers should diminish any potential bias against Republicans. To the degree that they exist, differences in candidate pools may reflect

different preferences about the size of government and perceptions about the virtue of public service. Note, however, that through the 2000 elections Republicans controlled eight of the eighteen chambers in this dataset of high salary legislatures.

Second, claims of differential candidate pools ignore the central role that parties play in recruiting candidates. Fiorina implies that the candidate pools of both parties consist of the population of the two major parties who would not face large opportunity costs. In reality, the candidate pools appear far more restricted. Despite the oft-discussed rise of candidate centered candidacies, Moncrief, Squire, and Jewell (2001) find that parties play a large role in recruiting candidates and that only about one-third of candidates are “self-starters,” initiating campaigns independently. The recruitment role of parties is especially substantial in states with professionalized legislatures. Clearly, neither party recruits “average” citizens. As discussed above, evidence from Moncrief and Squire’s survey of non-incumbent candidates indicates that candidates of both parties are high earners with high educational attainment, suggesting that they bear comparable opportunity costs. Again, if Republicans are opting out of legislative service it is likely because of their career preferences, not the incidence of opportunity costs.

Importantly, Democrats may recruit elites because they may be more likely to be able to either combine public and private careers or bear the risk of interrupting careers. People in working class careers likely have less flexibility to combine public and private careers. At the same time, they may bear greater risk in interrupting their careers for legislative service. For example, in careers in which salary is related to seniority, the risk of electoral defeat or the imposition of term limits produces an especially costly return to the private sector. In addition, professionals of both parties (lawyers, bankers, business

owners) are more likely to be able to employ public service to cultivate their private, long-term interests.

F. Conclusion

This paper has presented a theoretical and empirical analysis of outside career behavior in state legislatures. First, despite claims that higher salaries and longer sessions produce full-time legislators, the data presented here raise doubts about the extent of this phenomenon. More legislators are “full-timers” than in the past, but the evidence refutes the claim that legislators are compelled to choose between public and private careers. Perhaps we need to differentiate between having a career *in* the legislature and making a career *of* the legislature. In even the most professionalized legislatures, large percentages of legislators engage in outside careers. Such a finding is hardly surprising given the absence of institutions regulating private sector employment and income and the relatively low salaries of legislators in most states. We should anticipate that legislators seek to reduce the opportunity costs of legislative service in the absence of limiting institutions. Indeed, the history of Congress demonstrates similar behavior.

Second, I develop a theoretical account of how legislators combine public private careers despite the time constraints in professionalized legislatures. As has been argued in a variety of contexts, legislators create institutions that help them achieve their goals. I argue that legislators create institutions that free them to pursue outside careers. The delegation of authority to leaders, committees, and staff allow legislators to expand legislative time. While in Congress, the expansion of legislative time permits members to increase participation and specialize in policies of interest, in state legislatures this

growth permits legislators also to pursue outside interests. Indeed, there is mounting evidence that professionalization correlates positively with legislative leader power, controlling for other variables. (Clucas, 2001) Moreover, delegation mitigates time costs while still enabling legislators to achieve electoral and policy goals.

Third, the empirical analysis of outside careers clarifies how opportunity costs influence legislative and extra-legislative careers. While there is evidence that there are partisan differences in the incidence of outside career behavior, the evidence suggests that it is important to unpack the partisan approach to consider other individual level factors that influence behavior. Regardless of party, women and minorities have different (lower) private sector earnings potential than men and whites. As a result, women and minorities are less likely to need to employ outside careers to satisfy income goals. In particular, the findings regarding women suggest that any bias against Republicans in professionalized legislatures could be reduced if the Republican Party were more aggressive in recruiting women. Although I raise general doubts about such a bias, the logic of the bias hypothesis and the data presented here suggest that women should be an important electoral resource for the Republican Party.

Fourth, the findings have important substantive implications. The data indicate that the prevalence of outside careers declines with salary, regardless of party, race, or sex. At current levels, however, legislative salaries simply do not satisfy the earnings preferences of large numbers of legislators of both parties. If reformers want to diminish the incentives for outside careers and the potential conflicts of interest that arise from these careers, legislative salaries need to at least match the private sector earnings potential of the elites who serve in professionalized legislatures. Even then, reformers

would need to create institutions that explicitly prohibit outside careers or voters would need to increase the electoral costs of participatory shirking.

TABLE 1. Measuring Professionalization: Contrasting Survey and Disclosure Report Evidence in High Salary Legislatures

	<u>A</u>	<u>B</u>	<u>C</u>				
	Full-Time	Legislators w/ Concurrent	No Private	Average Annual	Annual	Salary as %	Difference
	Legislators	Private Interests,	Interests	Session Length,	Legislative	of 1998 Median	Between Disclosures
State	1995*	1998**	1998	in Calendar Days,	Salary,	Household Income	and Surveys
			(100-Column B)	1997-98	1997-98		(Column C-Column A)
Pennsylvania	82.2%	41.5%	58.5%	336	\$47,000	147%	-23.70%
New York	75.8	53.2	46.8	193	57,500	180	-29.0
Massachusetts	55.0	48.5	51.5	363	46,410	115	-3.5
Wisconsin	51.1	37.4	62.6	365	33,056	108	11.5
Ohio	47.0	53.4	46.6	360	42,427	133	-0.4
Illinois	39.5	50.0	50.0	273	42,265	120	10.5
Maryland	18.6	65.6	34.4	90	29,700	59	15.8
New Jersey	11.7	72.9	27.1	364	35,000	70	15.4
Delaware	6.5	61.1	38.9	177	27,500	66	32.4
Oklahoma	2.0	57.6	43.4	96	32,000	119	41.4

High salary is defined as greater than median family income. California is not listed due to severe coding problems.

Michigan does not require financial disclosure reports.

Sources: *Eric Hirsch, State Legislators' Occupations: 1993 and 1995. Denver: National Conference of State Legislatures, 1996. Table 8.

Based on legislative directories, blue books, and legislators surveys.

**Coded and Calculated by author from Center for Public Integrity, 50 States Online database.

TABLE 2. Summary Statistics of Outside Career Activity by Party, Sex, Race, and Legislative Salary

	All Legislatures	High Salary Legislatures	Low Salary Legislatures
Democrat	45.7% ^a (754)	40.8% ^{ab} (524)	57.0% ^{b+} (230)
Republican	57.3 ^a (549)	55.1 ^a (350)	61.3 ⁺ (199)
Male	55.5 ^a (1058)	51.9 ^{ab} (728)	63.3 ^{ab} (330)
Female	29.5 ^a (244)	19.9 ^{ab} (146)	43.8 ^{ab} (98)
White	52.4 ^a (1149)	49.2 ^{ab} (782)	59.1 ⁺ (367)
Non-White	37.1 ^a (151)	23.9 ^{ab} (92)	57.6 ^{b+} (59)
Total	50.5 (1310)	46.4 ^b (881)	59.0 ^b (429)

Numbers in cells are percentage of legislators with outside careers. Number of observations in parentheses.

^a Difference by party, sex, or race significant at the .001 level.

^b Difference by salary significant at the .001 level.

⁺ Difference by party or race insignificant at the .1 level.

High Salary legislatures are those in which salary is greater than median family income.

States: Delaware, Illinois, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Wisconsin.

Source: Calculated by author.

TABLE 3. Summary Statistics of Outside Career Activity by Party, Sex, Race, and Session Length

	All Legislatures	Annual Session > 180 days	Annual Session < 180 days
Democrat	45.7% ^a (754)	38.9% ^{ab} (452)	55.9% ^{b+} (302)
Republican	57.3 ^a (549)	55.3 ^a (358)	61.2 ^{a+} (191)
Male	55.5 ^a (1058)	50.6 ^{ab} (670)	63.9 ^{ab} (388)
Female	29.5 ^a (244)	24.4 ^{ac} (139)	36.2 ^{ac} (105)
White	52.4 ^a (1149)	48.2 ^{ab} (720)	59.4 ^{b+} (429)
Non-White	37.1 ^a (151)	28.7 ^{ac} (87)	48.4 ^{c+} (64)
Total	50.5 (1310)	46.0 ^b (817)	58.0 ^b (493)

Numbers in cells are percentage of legislators with outside careers. Number of observations in parentheses.

^a Difference by party, sex, or race significant at the .001 level.

^b Difference by session length significant at the .001 level.

^c Difference by session length significant at the .05 level.

⁺ Difference by party or race insignificant at the .05 level.

States: Delaware, Illinois, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Wisconsin.

**TABLE 4. Outside Careers and Opportunity Costs: Party, Demography,
and Institutional Context, by State
Probit Maximum Likelihood Estimates**

	STATES											
	DE		IL		MD		MA		NJ		NY	
	MLE (se)	Δ p	MLE (se)	Δ p	MLE (se)	Δ p	MLE (se)	Δ p	MLE (se)	Δ p	MLE (se)	Δ p
Constant	3.859** (1.322)		1.926** (.641)		1.401* (.628)		1.255* (.587)		3.42*** (.872)		.987 (.589)	
Party	0.182 (.461)		-0.307 (.239)		0.097 (.268)		0.178 (.304)		-.775* (.353)	-0.27	-0.437* (.221)	-0.17
Sex	-0.902 (0.508)	-0.35	.728** (.272)	-0.28	-.642** (.252)	-0.24	-.668* (.285)	-0.29	-0.578 (.465)		1.294*** (.355)	-0.42
Race	0.186 (.872)		-0.44 (.341)		-0.044 (.278)		-0.803 (.674)		-0.02 (.427)		-0.454 (.335)	
Age	-.072** (.026)	-.03	-.34* (.013)	-0.01	-0.014 (.013)		-.03** (.011)	0.01	-.044** (.015)	-0.02	-0.013 (.012)	
Tenure	0.047 (.043)		0.021 (.021)		-0.015 (.017)		0.021 (.022)		-0.012 (.023)		0.004 (.016)	
Leader	0.007 (.619)		-0.524 (.666)		0.33 (.539)		-0.157 (.466)				1.567* (.808)	0.50
N=	51		152		148		150		96		172	
Log Likelihood	-27.24		-93.26		-89.06		-93.48		-51.23		-100.2	
Prob>chi2	0.03		0.00		0.05		0.00		0.00		0.00	
Pseudo R-Squared	0.2		0.11		0.06		0.10		0.14		0.16	

* significant at p<.05

** significant at p<.01

*** significant at p<.001

TABLE 4 Continued. Outside Careers and Opportunity Costs: Party, Demography, and Institutional Context, by State

Probit Maximum Likelihood Estimates

	<u>STATES</u>					
	OK		PA		WI	
	MLE (se)	Δ p	MLE (se)	Δ p	MLE (se)	Δ p
Constant	1.55** (.613)		0.019 (.460)		-1.289 (.698)	
Party	-0.34 (.261)		-.667*** (.180)	-0.25	-0.274 (.279)	
Sex	-1.230* (.601)	-0.44	-0.329 (.312)		-.744* (.373)	-0.23
Race	-0.50 (.615)		-0.296 (.340)		-0.324 (.668)	
Age	-0.027* (.013)	-0.01	-0.001 (.010)		.027 (.016)	
Tenure	.047* (.021)	0.02	-0.009 (.014)		-0.026 (.024)	
Leader	-0.346 (.480)		-0.57 (.477)		0.233 (.458)	
N=	131		233		105	
Log Likelihood	-80.56		-143.37		-62.62	
Prob>chi2	0.01		0.00		0.20	
Pseudo R-Squared	0.10		0.07		0.06	

* significant at p<.05

** significant at p<.01

*** significant at p<.001

TABLE 5. Outside Careers and Opportunity Costs: Party, Demography, and Institutional Context, Pooled Dataset

Probit Maximum Likelihood Estimates

	MLE (se)	Δ p	MLE (se)	Δ p
Constant	1.013* (.512)		1.43*** (.229)	
Party	-0.317*** (.079)	-0.13	-0.324*** (.079)	-0.13
Sex	-0.728*** (0.106)	-0.28	-0.716*** (0.105)	-0.27
Race	-0.250* (.128)	-0.10	-0.232 (.126)	-0.09
Age	-.018*** (.004)	-0.007	-.018*** (.004)	-.007
Tenure	0.008 (.006)		0.009 (.006)	
Leader	0.245 (.167)		0.234 (.166)	
Minority Party	-.018* (.079)	-0.07	-0.176* (.078)	-0.07
Days	-.000 (.000)		-.000 (.000)	
Salary	-.018*** -0.004	-0.007		
Income	0.029*** (.009)	0.01		
Opportunity Costs			.021*** (003)	0.008
N=	1247		1247	
Log Likelihood	-775.64		-776.06	
Prob>chi2	0.00		0.00	
Pseudo R-Squared	0.10		0.10	

* significant at p<.05

* significant at p<.01

* significant at p<.001

Full-Time Legislators, 1995 (%)

% Full Time Legislators (Directory) Minus % No Outside Interests (Disclosure)

diff

38

Data Appendix

Age: In years. Calculated by author from various legislative directories, blue books, and state legislative web sites.

Days in Session: Calendar days in session, 1996-1997. Hamm and Moncrief, 1999.

Income: Median Household Income, in thousands, 1998. Statistical Abstract of the United States, Washington: G.P.O, 2000. No. 741, p. 469.

Leader: Member of majority or minority party leadership. Dummy variable. Leader=1, Non-leader=0. Assorted legislative directories, blue books, and state legislative web sites.

Minority Party: Member of minority party in chamber. Dummy Variable. Majority=0, Minority=1. Assorted legislative directories, blue books, and state legislative web sites.

Party: Dummy Variable. Republican=0, Democrat=1. Assorted legislative directories, blue books, and state legislative web sites.

Race: Dummy variable. 0=White, 1=Non-white. Assorted legislative directories, blue books, and state legislative web sites.

Sex: Dummy variable. 0=Male, 1=Female. Assorted legislative directories, blue books, and state legislative web sites.

Salary: Annual Legislative Salary, in thousands, 1997-1998. The Book of the States, Table 3.9.

Tenure: Continuous legislative service. Includes service in lower chamber for those serving in upper chamber. Calculated by author from various legislative directories, blue books, and state legislative web sites.

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