

Essays on Expertise in the Policymaking Process

by

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PREVIEW

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Abstract

Does policy analysis matter in the legislative process? Specifically, do non-partisan research organizations infuse the policymaking process with knowledge that significantly alters its outcomes? Scholars have long sought to assess the influence of expertise, or perceived lack thereof, on the policy making process. However, past studies have been hampered by a variety of shortcomings, both theoretical and empirical. My three-paper dissertation addresses the topic from a variety of viewpoints and intends to overcome these shortcomings. In combination, these three papers make a good test case for analyzing the effect of policy analysis on the policy making process because they circumvent a variety of problems that other studies of expert advice have suffered.

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Contents

Abstract.....	i
Acknowledgements	ii
List of Tables	vii
List of Figures.....	ix
1. Introduction.....	1
1.1 Barriers to Evidence Utilization	4
1.2 Improving the Utilization of Knowledge	7
1.3 The Special Case of Legislatures	10
1.4 Dissertation Overview	12
2. Mandating Higher Premiums? State Insurance Regulation and the Cost of Insurance	17
2.1 Introduction	17
2.2 Health Insurance Regulation in the States	20
2.3 Mandates and Premiums: Theory and Past Findings	24
2.4 Mandates and Premiums: Health Reform Interlude, 1996-2010.....	27
2.5 Argument and Quantitative Analysis	30
2.5.1 Mandates.....	30
2.5.2 Policy Analysis: Benefit Review Programs	32
2.5.3 Other Factors Potentially Influencing Premiums	33
2.6 Estimation and Results	35
2.6.1 Insurance Markets	35
2.6.2 Hypothesis 1: All Mandates Drive Up Insurance Premiums.....	38
2.6.3 Hypothesis 2: Certain High-cost Mandates Drive Up Insurance Premiums More Than Others.....	44

2.6.4 Hypothesis 3: Certain Types of Mandates Drive Up Insurance Premiums More Than Others.....	44
2.7 Discussion.....	57
2.8 Limitations.....	58
2.9 Conclusion.....	60
3. California Dreaming? California's Health Benefits Review Program and California's Legislature.....	62
3.1 Introduction	62
3.2 Background on Insurance Regulation in the United States	64
3.2.1 Insurance Mandates: Significance and Proliferation.....	64
3.2.2 Diffusion of Requirements for Mandate Analyses	66
3.2.3 Origins and Operation of California Health Benefits Review Program (CHBRP).....	67
3.2.4 Benefit Review Programs: A Best Case Scenario?	68
3.3 Institutional-Level Analysis	70
3.3.1 Institutional-Level Hypotheses and Data	70
3.3.2 Institutional-Level Methodology and Results	75
3.4 Individual-Level Analysis	82
3.4.1 Individual -Level Hypotheses and Data	82
3.4.2 Individual-Level Methodology and Results	84
3.5 Conclusion.....	92
4. The Demise of Socialist Medical Care in the United States: Unintended Consequences of Medicaid and Medicare Coverage on California Hospitals	93
4.1 Introduction	93
4.2 The Rise and Decline of Public Hospitals	97
4.2.1 The Emergence and Prospering of Public Hospitals	97
4.2.2 Altering the Calculus of Local Government: The New Deal and Beyond..	101
4.3 Analysis	105

4.3.1	Expectations	105
4.3.2	Operationalization	110
4.3.3	Data.....	116
4.3.4	Methods	118
4.3.5	Results	120
4.4	Discussion.....	130
4.5	Early Effects of the Affordable Care Act	133
4.6	Conclusion.....	134
5.	Conclusion	136
	Bibliography	141

List of Tables

Table 2.1: Insurance Premiums Single Coverage – Hypothesis 1	39
Table 2.2: Insurance Premiums Family Coverage – Hypothesis 1	41
Table 2.3: Insurance Premiums Single Coverage – Hypothesis 2a	45
Table 2.4: Insurance Premiums Family Coverage – Hypothesis 2a	47
Table 2.5: Insurance Premiums Single Coverage – Hypothesis 2b	49
Table 2.6: Insurance Premiums Family Coverage– Hypothesis 2b	51
Table 2.7: Insurance Premiums Single Coverage– Hypothesis 3	53
Table 2.8: Insurance Premiums Family Coverage– Hypothesis 3	55
Table 3.1: Descriptive Statistics for Institutional Level Analysis	71
Table 3.2: Favorable Outcome for Mandate Bill: Institutional-Level Logit Results and Average Marginal Effects	76
Table 3.3: Favorable Vote on Mandate Bill: Substantively Interesting Changes in Probabilities for Model 1	78
Table 3.4: Favorable Vote on Mandate Bill: Substantively Interesting Changes in Probabilities for Model 2	79
Table 3.5: Favorable Vote on Mandate Bill: Substantively Interesting Changes in Probabilities for Model 3	80
Table 3.6: Favorable Vote on Mandate Bill: Individual-Level Logit Results and Average Marginal Effects.....	85
Table 3.7: Favorable Vote on Mandate Bill: Predicted Probabilities Female vs. Male Legislators.....	89

Table 3.8: Favorable Vote on Mandate Bill: Predicted Probabilities: Advanced Degree vs. No Advanced Degree	89
Table 3.9: Favorable Vote on Mandate Bill: Predicted Probabilities: Health Committee Members vs. Other Legislators	90
Table 3.10: Favorable Vote on Mandate Bill: Predicted Probabilities: Liberal, Moderate, and Conservatives Legislators	91
Table 4.1: Overview of County Hospital Openings and Closures.....	100
Table 4.2: Descriptive Statistics	117
Table 4.3: Estimation Results, Hospital Closures, 1965-2012	119

List of Figures

Figure 4.1: Percentage of California Counties with a County Hospitals, 1950 to 2012.	106
Figure 4.2: California Counties with County Hospitals over Time, 1965-2013.....	107
Figure 4.3: Hospital Closures: Survival Curve at Variable Means.....	123
Figure 4.4: Hospital Closures: Hazard Rate at Variable Means	123
Figure 4.5: Hospital Closures: Fiscal Capacity Survival Curves.....	124
Figure 4.6: Hospital Closures: Fiscal Capacity Hazard Rates	124
Figure 4.7: Hospital Closures: Need – Differences in Survival Curves – Low to High.	126
Figure 4.8: Hospital Closures: Need – Differences in Hazard Rates – Low to High	127
Figure 4.9: Hospital Closures: Cost of Supply –Differences in Survival Curves – Low to High.....	128
Figure 4.10: Hospital Closures: Cost of Supply –Differences in Hazard Rates – Low to High.....	129

Chapter 1

1. Introduction

The United States has a long history of efforts seeking to increase the utilization of research and analysis in the policymaking process. These efforts go hand-in-hand with attempts to reduce partisanship, as well as the privileged status of neutral competence in public administration. This movement perhaps reached its apex during the Progressive Era with its focused on efficiency, impartiality, expertise, and neutral competence exemplified in independent commissions, civil service reforms, and the politics-administration dichotomy (Schnietz 1996, 1998, 1994). One of the prominent examples of the time can be found in the efforts of national Democrats to depoliticize tariff making and to insulate it from becoming a political tool for future Republican administrations (Wright 1930; Taussig 1926). These efforts were subsequently followed by the efforts during World War II (Lynd 1939 [1970]), the Great Society and the establishment of the Policy Sciences by Harold Lasswell (Lasswell 1959; Lerner and Lasswell 1959; Head 2010), as well as the prominence of planning (Lasswell 1959; Wildavsky 1973). Moreover, many public programs are established with built-in evaluation requirements to assess their effects as well as to establish accountability (Solesbury 2002; McNulty 2012). Most recently, attention has focused on evidence-based policymaking (EBPM), i.e. the utilization of scientific research and policy analysis in public policymaking.

EBPM finds its origins in the evidence-based medicine movement of the 1990s which sought to reform the treatment of patients by systematically applying interventions that have been proven to be beneficial (Sackett et al. 1996; Sackett and Rosenberg 1995; Rosenberg and Donald

1995; Maynard 1997; Grahame-Smith 1995; Ellis et al. 1995; Davies and Nutley 1999). Specifically, evidence-based medicine relies on a strict hierarchy of evidence that values evidence gained through randomized controlled trials more highly (Davies and Nutley 1999). Despite an abundance of criticism (Grahame-Smith 1995; Brook 1994; Eccles et al. 2005; Haynes and Haynes 2009; Ketley and Woods 1993; Summers and Kehoe 1996; Woods and European Secondary Prevention Study Group 1996), over time, the approach has found its way into the realm of policymaking (Klein 2000; Humphreys and Piot 2012; Harries et al. 1999). "The underlying assumption here is that the flaws in the policy process can be overcome through accessing and utilizing [sic] the best available evidence" (Botterill and Hindmoor 2012, 368)

Evidence-based policymaking has taken up a particularly prominent role in the United Kingdom since the inauguration of the Blair Administration and their New Labour Program (McAnulla 2007b; Bevir 2007; McAnulla 2007a; MacIntyre et al. 2001; Campbell 2002; Newman 2011; Boaz et al. 2008; Nutley 2003; Solesbury 2002), but it has also been prominent in other European countries as well as the European Union (Hertin et al. 2009; Nutley et al. 2010). It has been present in a wide range of policy areas including, for example, conservation (Sutherland et al. 2004; Pullin and Knight 2003), sustainable development (Russel and Jordan 2007), GMO regulation (Skogstad 2003), education (Farrell and Morris 2009; Fitz-Gibbon 2002), urban and housing (Nixon et al. 2002), climate (Nilsson 2005), social work (Hammersley 2005), nuclear (Nilsson 2005), regulation (Strassheim and Kettunen 2014), and transportation (Terry 1999). As such, EBPM has connected to the New Public Management with its emphasis on accountability, efficiency, and quality in the public sector (Bekker et al. 2010; Jung and Nutley 2008). Common tools include Regulatory Impact Analyses, Sustainability Impact Assessment, Impact Assessment (Hertin et al. 2009; Souto-Otero 2013) and Environmental Impact Assessments (Weston 2000).

Arguably, EBPM is often portrayed and mischaracterized as too naïve and oversimplified in its understanding of the policymaking process (Sackett et al. 1996). Critics of the approach have argued against its supposed linear-rational foundations as well as its efforts to depoliticized policymaking (Clarence 2002). Others have argued against the devaluation of certain forms of evidence (Newman and Nutley 2003; Ritter and Lancaster 2013; Rayner 2003; Strassheim and Kettunen 2014; Nutley and Homel 2006; Stevens 2007), the potential to insulate policymakers from the public (Turnbull 1977; Ritter and Lancaster 2013; Walker 2007; Balutis 1975; Davey 1953; Balutis and Butler 1975), a reduction in political discourse (Rayner 2003), and the effects that privileged groups may have on the utilization of evidence (Turner 2001), which some have termed policy-based evidence-making (Strassheim and Kettunen 2014). Particular concerns have been raised about its effect on democratic theory and the democratic ideal, which values the contributions of experts to no larger a degree than those of citizens (Margolis and Guston 2003; Lundin and Öberg 2014). Concerns have also emerged about so-called wicked problems (Turnpenny et al. 2009; Ludwig et al. 2001; Ravetz 2006), i.e. policy problems with high stakes and great uncertainty subject to extensive value conflicts. As a result, some have advocated for post-normal science approaches with extended peer communities and a broader conception of evidence and participation (Funtowicz and Ravetz 1994; Funtowicz and Ravetz 1995; Funtowicz and Ravetz 2003). Finally, post-positivists have summarily questioned the whole EBPM enterprise (Davis and Howden-Chapman 1996; but see Weimer 1999; Lynn 1999).

Exposed to this criticism over time, for example, some have suggested replacing the term to make it less determinate and allow for human agency (Humphreys and Piot 2012; Klein 2000). Proposed terms include evidence-influenced, evidence-aware, and evidence-inspired (Bannister and O'Sullivan 2014; Nutley and Homel 2006; Toner et al. 2014). In addition, increasing

skepticism about EBPM has emerged whether it can fulfill the promise of improved outcomes and impacts (Campbell 2002). The meaning of “evidence” has also seen an expansion over time (Petticrew 2013) and arguments have been presented for pluralistic forms of evidence (Lambert 2013; Eccles 2009; Boaz et al. 2008) including local and tacit knowledge (Davies et al. 2010; Glasby et al. 2007; Juntti et al. 2009; Nutley and Homel 2006; Chih Hoong 2008; Burchett et al. 2012; Feldman et al. 2001; Meagher and Lyall 2013), as well as the broadening of sources of advice (Van Damme et al. 2011).

1.1 Barriers to Evidence Utilization

Much work has been done on analyzing the apparent paucity of influence of knowledge on the policymaking process. Four major themes have emerged (Nutley et al. 2002; Bogenschneider et al. 2000).

First, scholars have pointed to limitations with regard to evidence that emerges from scholarly work, particularly as it pertains to the social sciences. The complexity of the subject matter often only allows for conclusions that include a great deal of inconclusiveness, ambiguity, and uncertainty (Wu 2008; Brownson et al. 2006; Oliver et al. 2014; Ludwig et al. 2001; Gwiazda 1983; Clarence 2002; Haas 2004; Sorian and Baugh 2002; Montuschi 2009), which renders the knowledge often unusable (Jewell and Bero 2008). In addition, methodology, design, and findings are often hard to understand, and findings may be contradictory (Weiss et al. 2008). There may also be limitations on the ability of the social sciences to conduct empirical testing or answer certain questions adequately (Oliver et al. 2014). More generally, most social science knowledge is cumulative and single studies do not offer magic-bullet answers (Petticrew 2013); results are generally interpretable and can easily be misunderstood or misconstrued (Montuschi 2009; Clarence 2002; Jewell and Bero 2008; Lucas 1983). Moreover, research often is of relatively poor

quality (Jones et al. 2006; Francis et al. 1980; Hertin et al. 2009; Innvær et al. 2002; Weiss et al. 2008). In addition, research itself is never values free and boundaries between knowledge and policy are undetermined and fluid (Hertin et al. 2009; Clarence 2002; Turnpenny et al. 2009). The volume of research produced may also be overwhelming (Brownson et al. 2011; Brownson et al. 2006). Finally, social science research may not have any immediate relevance to policy problems at hand (Jones et al. 2006; Sorian and Baugh 2002; Oliver et al. 2014; Jewell and Bero 2008).

Second, scholars have identified a communications problem between scholars and policymakers. This is often referred to as the two-communities theory, which points to the incompatibility in terms of cultures, worldviews, belief systems, incentives, and so forth between the two set of actors (Snow 1959, 1965; Nelson et al. 1987; Frenk 1992; Lomas 2000b, 2000a; Ludwig et al. 2001; Webber 1987; Kiefer et al. 2005; Caplan 1979; Henig 2009; Mooney 1991a; Orton et al. 2011; Cherney et al. 2012; Choi et al. 2005; Jewell and Bero 2008). Some have even asserted the existence of three (Shonkoff 2000; Bogenschneider et al. 2000) or more cultures (Locock and Boaz 2004). Other differences include the nature of knowledge production, time perspective, reward systems, philosophy, logics of social science and politics, generality versus specificity, and what sources of knowledge should be used (Nelson et al. 1987). There are also differences in terms of objectives and goals (Shaoul et al. 2007; Lindblom 1986; Black 2001). Policymakers may also not accept the underlying scientific method and instead put more emphasis on electoral, ideological, ethical, or political reasoning (Francis et al. 1980). As one observer succinctly put it, “researchers are from Mars; policymakers are from Venus” (Folz 2005). There may also be significant turnover on the part of policymakers (Innvær et al. 2002; Jones et al. 2006). Overall, these differences may lead to a lack of respect and mutual distrust (Innvær et al. 2002;

Jones et al. 2006; Choi et al. 2005), or simply a lack of contact (Innvær et al. 2002; Jones et al. 2006).

Third, the political nature of the policymaking process severely limits the influence of knowledge (Nutley et al. 2002; Bogenschneider et al. 2000). Policymaking is inherently messy and often devoid of the neat rational-linear conception of researchers (Nutley 2003; Botterill and Hindmoor 2012; Nutley and Homel 2006). Scientific evidence is but one source of evidence, i.e. it has to compete in a marketplace of ideas (Palfrey et al. 2012; Orton et al. 2011; Oliver et al. 2014; Caswill and Lyall 2013) with other competitors such as interest groups (Davies et al. 2010; Jewell and Bero 2008) and think tanks (Smith et al. 2013; Stone 2007). Moreover, there is no clear hierarchy of evidence, and different actors may favor different sources and types over others (Choi et al. 2005; Jewell and Bero 2008; Larsen et al. 2012). For example, stories, anecdotes, and narratives (Brownson et al. 2011; McDonough 2001; Jewell and Bero 2008; Hyman 2000) open the door for “symbolic blackmail” (Welch 1997). Evidence may also not be available when needed (Folz 2005; Jones et al. 2006; Sorian and Baugh 2002; Kiefer et al. 2005; Brownson et al. 2006; Owens et al. 2006; Innvær et al. 2002; Oliver et al. 2014; Coleman 1978). Additionally, policymakers may favor ordinary (Emmert 1985; Lindblom and Cohen 1979) or experiential knowledge (DeMartini and Whitbeck 1986), apply a filter of political judgment (Rigby 2005; Weiss and Bucuvalas 1980), and worry about political acceptability and feasibility (Averch 1987; Webber 1987; Weiss and Bucuvalas 1980; Orton et al. 2011; Jewell and Bero 2008) and constituents (Webber 1985). Political problem solving thus goes beyond the internal logic of policy problems and includes social and political ramifications (Caplan 1976). In short, policymakers’ goals may include goals beyond good policy such as policy influence and satisfied constituents (Kingdon 1977; Mayhew 2004).

Fourth, certain institutional obstacles may impede the utilization of knowledge (Nutley et al. 2002; Bogenschneider et al. 2000). Specifically, there may be a dearth of institutions that seek to integrate knowledge and power and facilitate the utilization of knowledge in the policymaking process (Canavan et al. 2009; Bowen and Martens 2005). Unquestionably, this is the most understudied barrier of the four mentioned (Nutley et al. 2002).

1.2 Improving the Utilization of Knowledge

Several approaches for overcoming to the aforementioned barriers have been identified in the literature. First, knowledge producer can make certain efforts to increase the usability of their research (Haas 2004; Clark and Majone 1985; Caswill and Lyall 2013; Caird et al. 2015; Brown 2011; Oliver et al. 2014; Amara et al. 2004). Usability relates to a variety of aspects. Usable research is of high quality, i.e. it offers a robust evidence based founded on a rigorous methodology (Dagenais et al. 2012; Rigby 2005; Brownson et al. 2006; Chambers et al. 2012; Caird et al. 2015; Davies et al. 2010; Mandell and Sauter 1984; Amara et al. 2004). In addition, credibility of the research organization is also an important component of usable knowledge (Ouimet et al. 2014; Macadam 2013; Smith and Stine 2003; Brownson et al. 2006). Credibility entails, for example, good reputation, lack of apparent biases, and a good track record. Research should also be policy relevant (Dagenais et al. 2012; Smith and Stine 2003; Innvær et al. 2002; Oliver et al. 2014; Bowen and Martens 2005; Amara et al. 2004). Useable knowledge is also clear and concise (Dagenais et al. 2012; Rich 1975; Oliver et al. 2014; Orton et al. 2011), This can be achieved by providing summaries (Innvær et al. 2002; Chambers et al. 2012; Nelson et al. 1987; Feldman et al. 2001; Orton et al. 2011) or by providing systematic reviews and meta analyses (Pawson 2001b; Chambers et al. 2012; Bayliss et al. 2012; Priest et al. 2009; Solesbury 2002; Petticrew 2001; Caird et al. 2015; Boaz et al. 2002; Lavis et al. 2004; Pawson 2002, 2001a). Usable knowledge is also

timely (Feldman et al. 2001; Rigby 2005; Innvær et al. 2002; Chambers et al. 2012), i.e. it is available prior to the time decisions are made. Moreover, the inclusion of costs and cost-effectiveness data further improves usability (Caird et al. 2015; Innvær et al. 2002; Chambers et al. 2012; Duncan and Magnuson 2007; Jewell and Bero 2008). Usability can also be strengthened by the involvement of policymakers (Brownson et al. 2006; Corburn 2007; Hunter 2009; Armstrong and Alsop 2010; Denis and Lomas 2003; Nutley 2003; Macadam 2013; Antonacopoulou 2010; Dagenais et al. 2012). Active efforts at disseminating research are also beneficial (Halladay and Bero 2000; Bero et al. 1998; Nutley and Homel 2006).

Second, utilization can be increased by improving the connection between the various cultures (Brownson et al. 2011; Bowen and Martens 2005). This can be done, for example through co-production and collaboration (Dagenais et al. 2012; Antonacopoulou 2010; Brownson et al. 2006; Corburn 2007; Hunter 2009; Armstrong and Alsop 2010; Denis and Lomas 2003; Nutley 2003; Macadam 2013; Oliver et al. 2014; Faulkner and Thomas 2002; Rich 1975), educational efforts (Webber 1987; Walter et al. 2003; Uneke et al. 2014), or other efforts to initiate interaction and the building of relationships (Oliver et al. 2014; Ouimet et al. 2010; Innvær et al. 2002; Chambers et al. 2012; Choi et al. 2005; Wilkinson et al. 2012).

One of the most frequently recommended solutions that combines these two approaches can be found in the establishment of so-called intermediaries or boundary organizations (McNie 2007) (Guston 2003; Van Damme et al. 2011; Nutley 2003; Caswill and Lyall 2013; Chew et al. 2013; Knight and Lyall 2013; Meagher and Lyall 2013; Sin 2008). An abundance of terms has been proposed, often with slightly different meanings, but their use has been relatively unstructured. Most commonly, they are referred to as brokers (Caswill and Lyall 2013; Chew et al. 2013; Choi et al. 2005; Frost et al. 2012; Knight and Lightowler 2010; Knight and Lyall 2013;

Lightowler and Knight 2013; Meyer 2010; Phipps and Morton 2013; Ward et al. 2009; Rigby 2005; van Kammen et al. 2006; Davies et al. 2010; Rich 1975; Cooper 2014). However, it is far from settled which tasks are involved in the process of brokering and researchers have proposed, among others, the following: translation (Goering et al. 2010), transfer (Graham et al. 2006), exchange (Graham et al. 2006; Lomas 2000b, 2000a; Cherney et al. 2012; Conklin et al. 2008; Chew et al. 2013), utilization, implementation (Graham et al. 2006), diffusion (Graham et al. 2006), dissemination (Graham et al. 2006), continuing education (Graham et al. 2006), continuing professional support (Graham et al. 2006), knowledge to action (Graham et al. 2006; Best and Holmes 2010; Jung et al. 2010), linkage (Weiss et al. 2008; Cherney et al. 2012; Conklin et al. 2008; Rigby 2005; Baba and HakemZadeh 2012; Chew et al. 2013; Lomas 2000b, 2000a), and bridging (Weiss 1999; Best and Holmes 2010; Caswill and Lyall 2013; Conklin et al. 2008; Craft 2013; Rigby 2005). While some have suggested the necessary skills for successful brokers (Frost et al. 2012; Phipps and Morton 2013), there has only been limited empirical verification (Kerner 2006).

Overall, their role can be succinctly summarized as fostering a better understanding between the aforementioned two communities, generally in an ongoing manner, because they are connected to both (Kothari et al. 2009; Bowen and Martens 2005; Meagher and Lyall 2013). As a result, three roles stand out: knowledge synthesis, translation, and exchange (Kouri 2009). Significant efforts have been made to invest in brokering capacity, especially in Europe where universities are establishing entities to foster research dissemination, translation, and brokering (Canavan et al. 2009). Prominent efforts include Research in Practice in the United Kingdom (Eccles 2009) or the Scottish Collaboration for Public Health Research and Policy (Frost et al. 2012), Making Research Count (Grayson 2007), Knowledge Transfer Partnership (McEwen et al.

2008), and the Campbell Collaboration, the social science equivalent of the Cochrane Library, (Konnerup and Kongsted 2012; Shemilt and Mugford 2009).

Particularly well-suited for this are non-partisan policy research organizations staffed by policy analysts (Hird 2005b, 2005a; Sundquist 1978; Lynn 1999; Heclo 1977; El-Jardali et al. 2014). In addition to producing usable knowledge and serving as an intermediary, these entities also establish an institutional structure (Weiss 1979; Nutley et al. 2002; Bimber 1991), i.e. the institutional infrastructure for linkages and exchange (Conklin et al. 2008; Nutley 2003). Often, their establishment goes hand in hand with a change in the legislative process that entails certain procedural requirements and structures that force attention to their work. These efforts could be termed imposed use (Weiss et al. 2008; Jewell and Bero 2008; Weiss et al. 2005). Moreover, establishing internal units has additional benefits because internally produced knowledge is more likely to be used (Badura and Waltz 1980; Caplan 1979; Jewell and Bero 2008; Nelson et al. 1987; Mooney 1991b, 1991a), particularly as it pertains to voting decision (Mooney 1991b; Clark and Little 2002). Moreover, the often multifaceted approaches of these organizations further increase the uptake of knowledge (Walter et al. 2003; Ouimet et al. 2010).

Finally, there are a number of relatively immutable factors that affect knowledge utilization. Research utilization seems to be impeded in high conflict situations (Rogers 1986; Ritter and Lancaster 2013; Whiteman 1985; Frye 1976; Lundin and Öberg 2014; Weiss 1989), by ideological issues (Weiss 1979; Innes 2002; Averch 1987), by high issue complexity (Weiss 1979), and by higher publicity (Lundin and Öberg 2014).

1.3 The Special Case of Legislatures

Legislators rely on a wide variety of information sources to make decisions including constituents (Clark 2004; Mooney 1991b; Webber 1987), leadership (Curry 2015), colleagues

(Clark 2004; Mooney 1991b; Webber 1987), staffs (Clark 2004; Mooney 1991b; Webber 1987), interest groups (Clark 2004; Mooney 1991b; Webber 1987; Esterling 2004), executive departments and agencies (Clark 2004; Mooney 1991b; Webber 1987), the governor (Krupnikov and Shipan 2012; Gosling 1986; Webber 1987), the media (Clark 2004; Mooney 1991b; Webber 1987), other states (Clark 2004; Mooney 1991b; Webber 1987), and leadership and party (Mooney 1991b; Webber 1987). According to the literature on knowledge utilization, certain legislators (Webber 1987) are more likely to utilize knowledge including those who are in the relevant substantive committee (Songer 1988; Zwier 1979; Davidson 1976), who are on policy committees (Scicchitano 1981; Weiss 1989), who are less ideological (Averch 1987) or more liberal (Oliver et al. 2014), have more resources at their disposal (Schick 1976; Rogers 1941; Sidlow and Henschen 1985), are better educated (Weiss 1979; Ouimet et al. 2010), are younger (Oliver et al. 2014) or female (Oliver et al. 2014). State legislators have been found to be particularly responsive to information containing state-level data (Brownson et al. 2011). However, it has been asserted that policy analysis in particular and knowledge utilization in general is particularly impeded in the fragmented and adversarial American legislative environment (Jones 1976; Haveman 1976; Weiss 1989; Frye 1976; Schneier 1970; Morgan and Peha 2003a; Polsby 1969; Saxe 1986; Schick 1976; Shulock 1999; Wu 2008; Morgan and Peha 2003b).

Nonetheless, since the early 20th century, states have established entities, legislative service agencies if you will, either as part of the legislature directly or as an external entity with the distinct purpose to infuse information and knowledge into the legislative process. These entities, most prominently the Wisconsin Legislative Reference Library under Charles McCarty (Meller 1952), are tasked with supporting the action of state legislators in dealing with the ever more complex business of legislating a modern society (Lentz 1957; Davey 1953; Chadha et al. 2001; Graves

1947, 1946; Balutis and Butler 1975). The movement accelerate in the 1960s, as state legislatures have generally augmented their capacity and sought to gain greater independence from both the executive branch and outside groups by establishing institutional information sources (Clark 2004; Entin 1973; Feller et al. 1979; Thurber 1977; Weiss 1989; Schick 1976). Institutional reforms included the expansion of professional staff and the general professionalization of the legislature (Weberg 1988; Webber 1985). Not surprisingly, they differ widely from state to state and have not be uncontroversial (Cleland 1913; Davey 1953; Hird 2005b, 2005a). Finally, the most extensive and sophisticated analysis of their effects actually finds significant effects on policymaking (Hird 2005b, 2005a).

1.4 Dissertation Overview

Only a small number of studies have analyzed the utilization of knowledge in general and policy analysis in particular in legislative policymaking, and even fewer have done so at the state level (Hird 2005b, 2005a). Concerns raised in the late 1970s remain correct today: “most of the research on the role of science in politics ... shares common limitation. Much has been descriptive and/or prescriptive” (Feller et al. 1979; see also Howlett and Newman 2010). Moreover, there is a lack of large N studies (Ouimet et al. 2010) and most studies rely on surveys or interviews (Feller et al. 1979; Clark and Little 2002; Howlett and Newman 2010; Webber 1987, 1985; Ouimet et al. 2014; Entin 1973; Whiteman 1997; Hattery and Hofheimer 1954; Toner et al. 2014; Jewell and Bero 2008), i.e. users’ perceptions of knowledge utilization. With regard to research on states, most studies focused on a select number of states (Feller et al. 1979; Clark and Little 2002; Hird 2005b, 2005a). Finally, direct use, outcomes, and long-term effects are markedly under-assessed (Owens et al. 2004; Hall and Jennings Jr 2010).