

LEGISLATIVE FOOTBALL: PLOTTING THE PROGRESS OF A LEGISLATIVE PROPOSAL IN OKLAHOMA

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The legislative process is complex and difficult for average citizens to understand. Legislative Football distills the key decisions in a bill's advance and plots them as field position. This enhances understanding of the legislative process, highlights the politics of legislating and communicates the progress of specific proposals.

INTRODUCTION

Most textbooks provide a relatively simple outline of the legislative process. However entrepreneurial stakeholders are constantly adapting to changing circumstances and inventing new ways to maneuver policy ideas through the system, making the details of the legislative process so complex that they are impossible to capture in a simple narrative (Rosenthal 2004). As a result, the legislative process is famously described by German Chancellor Otto von Bismarck (1815-1890) as sausage making. On Super Bowl Sunday 2013 the *Daily Oklahoman* explored the possibility that football might be a useful metaphor when describing the legislative process to Oklahomans (McNutt 2013).

BACKGROUND

Creative metaphors to describe American legislatures have emerged over time. John Straayer (2000) compared the Colorado Legislature to a casino full of games or a score of basketball games being played on multiple courts all at once. Both of these suggest complexity. Legislative scholar Alan Rosenthal (2004, 5) observed, "...when it is at work, the legislature is extremely difficult to comprehend. It is neither neat nor linear, and too much is happening at once." This complexity has led to more than 50 metaphors:

Arena, assembly, back alley, balance, bawdy house, brokerage firm, bunch of horse traders, branch of a tree, butcher shop, card game, cash register, circus citadel, club, cockpit, collection agency, conciliator, congeries of committees, dance hall, debating society, decision maker, engine, errand boy, factory family, forum, group, house, inquisition, judge, jury, linchpin, locus of pressures, machine, magnet, marketplace, medium, mender of social fabric, mirror, moral midwife, nightclub, organ of the body, pork barrel, pride of lions, rat race, referee, sausage maker, school, seminar, small town, stage, struggle, theater, and zoo (Muir 1982, 1).

Many of these metaphors have negative connotations. Rosenthal (2004) expressed considerable dismay about the growing negative sentiment regarding legislative deliberation. For Rosenthal the best way to overcome cynicism was to educate citizens in a way that they would better understand the process. Rosenthal and John Stuart Mill (1958; originally 1861) argue that education leads to understanding. Based on concepts developed by John Stuart Mill and James Madison, Muir (1982) produced an analogy of the California Legislature as a school where new legislators learn their role.

Metaphors are a way of gaining understanding (Lakoff and Johnson 1980). They are built on our experience (Gardner and Winner 1978), relating something we know (like football) to something we don't know (like the Legislature). Often this is relating something physical (like a football field) to something non-physical (like the legislative process) (Lakoff and Johnson 1980). Understanding arises when the link between two items is viewed in a cultural context, according to Lakoff and Johnson (1980). Football, of course, is cultural and especially so in Oklahoma.

No metaphor creates an exact match between comparable experiences. In fact, Lakoff and Johnson (1980) suggest if they matched exactly they would be the same concept, not two different things. In that vein they point out that there are “used” and “unused” parts of a metaphor. The used parts are where comparison benefits understanding and the unused parts are where the comparison may not fit or is yet undeveloped. They encourage multiple metaphors for illuminating a concept (as in the 52 legislative metaphors listed by Muir) because no one metaphor is likely to provide a full understanding of the phenomenon.

There is likely no one best metaphor to describe a phenomenon. Lakoff and Johnson (1980, 193) suggest, “Metaphor is one of our most important tools for trying to comprehend partially...” Specifically, they point out that political metaphors “like all metaphors” are partial and not complete (1980, 235). When parts of a metaphor successfully illuminate a concept trying to force additional comparisons, trying to make a metaphor more precise, may distract from its communicative power (Booth 1978).

An analogy, according to Kaplan (1964), is a systematic comparison of two things across many points. Lakoff and Johnson (1980) view metaphor more as an illustration. In fact, it may be as simple as one word. This current project began as an attempt to plot the progress of legislation on a football field to communicate more effectively with political novices. It was successful in both private conversations and in public presentations. That gave rise to an attempt to identify specific yardages that would include each key decision point and total to 100 yards. Some thought was given to mapping the process on a baseball field. However, there are only four bases in baseball and there are more than four key decision points in the legislative process. Having 100 plot points on the field made football a good fit. From this humble beginning the football metaphor may be expanded in many directions. It may fit in some instances and it will likely not fit in others. In this current version it is unlikely to reach the level of Kaplan's (1964) analogy. However, it is a fun and useful metaphor that can be further developed over time.

While no one has attempted previously to plot the progress of a bill on a football field, Rosenthal (2004) cites two instances where legislators used a football metaphor to describe an aspect of the legislature. Critics of the 1971 report of the Citizens Committee on State Legislatures said their measures were akin to "evaluating a football team by the condition of its uniforms, locker rooms, and training facilities rather than by its performance on the field" (Rosenthal 2004, 8). Discussing the atmosphere of party caucus meetings a Minnesota legislator said it was like, "You're in the huddle" (Rosenthal 2004, 14). Straayer (2000, 293) included a couple of football references when describing how the Denver Broncos persuaded the Colorado Legislature to build a new stadium with SB 98-171. He even describes the bill as "moving 20 yards or so down the hall" as it passed from the Senate to the House.

American football, of course, is a game played between two opposing teams where the team in possession of the ball seeks to move it down the field and across the goal line while the opposing team seeks to stop their progress. The offense generally gains only a few yards at a time and must make regular progress or their turn ends. While the long-term goal of almost every offensive possession is a touchdown, the immediate goal is a first down. This metaphor describes well the progress of a legislative proposal working its way through the House

and Senate of a bi-cameral legislature. As described below a bill must pass by many gatekeepers, each within a specified time period. Accomplishing this is akin to gaining a first down in football. Gaining first downs brings a football team closer to the ultimate goal of a touchdown. Along the way the distance to a touchdown is measured in yardage. For a legislative proposal the distance to becoming law can be measured as the number of key decision points remaining in the legislative process. This metaphor is based on the comparison between those key decision points, their required timeframes/deadlines and the movement of a football from first down to first down.

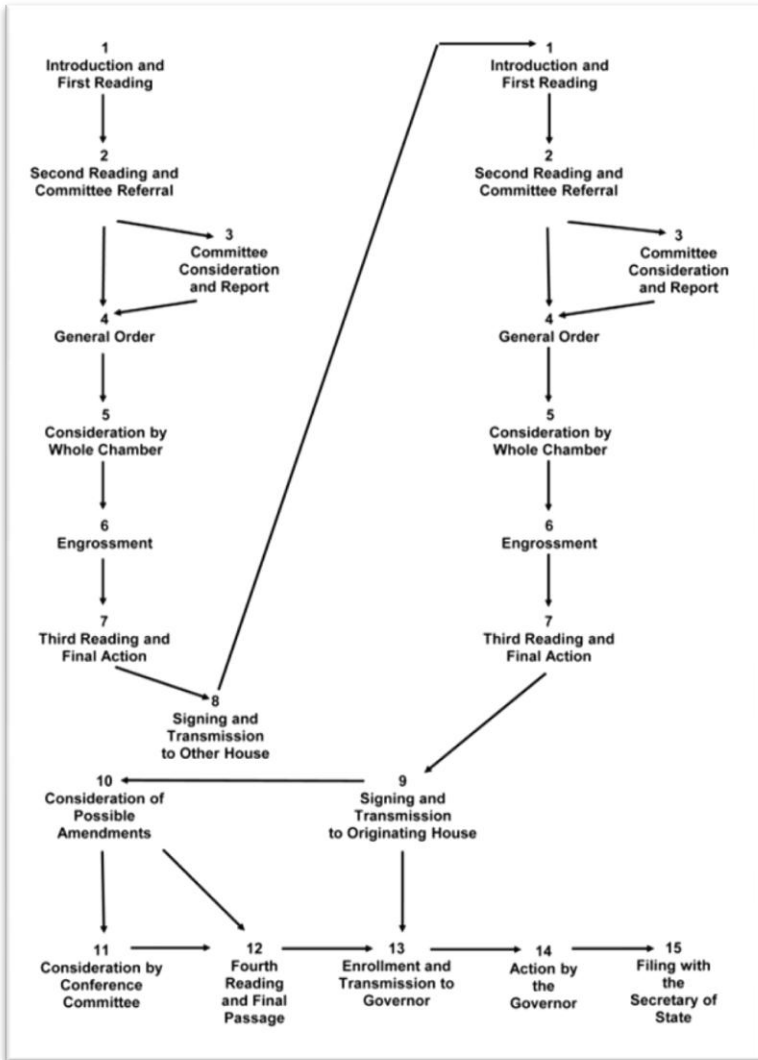
Using football as an metaphor, this article seeks three things: 1) to identify the consequential actions taken by the Legislature as a bill moves through the process and to understand what makes these actions significant; 2) to identify the key gatekeepers in the Oklahoma legislative process and to understand how they exercise authority over these actions; and 3) to map these crucial decisions on a football field, thus creating a metaphor that makes the Oklahoma legislative process more easily understood by stakeholders, students and citizens in general.

Oklahoma's legislative process follows the pattern of most states (See Rosenthal 2008). However, the formal legislative process involves far more steps than are depicted in the typical textbook flow chart. These steps include terms like engrossing, enrolling, reading, etc. which our colleague George Humphreys, the former director of research at the Oklahoma House of Representatives, attempted to capture in a single complex graphic (Oklahoma House of Representatives 2005; Also see Kirkpatrick 1978). An explanation of these many terms is available in the House's Glossary of Terms (Oklahoma House of Representatives 2015).

While each of these formal steps is required, many are pro forma and are not treated by the Legislature as consequential decisions. Common textbook flow charts look similar to Figure 1 (Oklahoma House of Representatives 2013). This version captures key elements of the process but oversimplifies the activity by lumping the discretion of a gatekeeper and vote of a body into a single box. Also, the average citizen does not recall enough about the legislative process to follow the progress of a bill without the chart in hand. A brief description of a

bill's status is unlikely to communicate to the average citizen whether or not the bill is making progress toward becoming law.

FIGURE 1
The Path of a New Law in Oklahoma



Legislative Football simplifies the explanation of a bill's progress by focusing on the key elements of the legislative process. It separates the decisions of gatekeepers from the votes of bodies, highlighting the politics of the process. And, it provides an easily understood tracking system that is based on the number of consequential actions required before a bill becomes law. In developing this metaphor the discussion that follows does more than produce a fun illustration, it brings to light many aspects of the inner workings of the Oklahoma Legislature that are not well known to the average citizen.

ACTIONS AND DEADLINES

The Oklahoma legislative process is structured by a series of deadlines. Similar deadlines are common among legislative bodies. Over 70 chambers have them (Rosenthal 2004). In Oklahoma any bill not meeting a deadline is dead for that legislative session. These crucial deadlines begin with work preparing for the legislative session. Once the session begins the consequential actions face deadlines. In the football metaphor completing a deadline is similar to gaining a first down. If the deadline is not met the bill is dead. In football if the offense fails to gain a first down their turn with the ball ends.

The deadlines are established through concurrent resolution, simple resolution and policy of the leadership. The list of deadlines for the 55th Oklahoma Legislature is found in Table 1. Strict deadlines were created as a way to deal with the constitutional requirements that the Legislature complete its regular session within 90 legislative meeting days and before the last Friday in May each year. Of course the leadership retains the ability to grant exceptions to the deadlines, but exceptions are extremely rare. Generally, the deadlines are strictly enforced.

The first major deadline is the bill request deadline. Shortly after the election and well before the first legislative day members of the House and Senate must submit a bill request to the bill drafting staff. These requests may be expressed as a bill in a broad subject area, with little specificity. But, without a bill request at the deadline a bill cannot be introduced into the upcoming legislative session. The second deadline is a little less stringent. In late December or early January members

must submit the final language they want drafted into their bill requests. This gives the bill drafting staff the time needed to draft the more than 2,000 bills that will be introduced. Of course a proposal is never final until it goes to the governor's desk, so this deadline is treated with some ambiguity. All drafts must be completed and filed a week before the legislative session begins its daily meetings. This gives the Speaker, his floor leader and staff, and the Pro Temp., his floor leader and staff, time to review the bills and assign them to committees prior to the session beginning.

TABLE 1
Deadlines for the 55th Legislature

Set by HCR 1032 (2014), SCR 7 (2015) and Leadership Policies

1st Session

2nd Session

LEGISLATIVE DEADLINES

12-Dec-2014	Bill Request Deadline	11-Dec-2015
19-Dec-2014	House - Substantive Language	TBD
6-Jan-2015	Organizational Day	-
22-Jan-2015	Introduction of House Bills / Joint Resolution	21-Jan-2016
2-Feb-2015	Session Begins	1-Feb-2016
26-Feb-2015	Senate Committee	25-Feb-2016
27-Feb-2015	House Committee	TBD
12-Mar-2015	3 rd Reading in House of Origin	10-Mar-2016
9-Apr-2015	Senate Committee	7-Apr-2016
10-Apr-2015	House Committee	TBD
23-Apr-2015	3 rd Reading in House of Opposite Origin	21-Apr-2016
7-May-2015	House Rejection of Senate Amendments	TBD
19-May-2015	House Filing of 1st CCR	TBD
21-May-2015	House Filing of Subsequent CCRs	TBD
29-May-2015	Sine Die	27-May-2016

Once the session begins a more visible set of deadlines come into play. The next major deadline is the deadline for bills to clear committee. Any bill remaining in committee at the deadline is dead for the year. Next is a deadline for bills to proceed from the chamber of origin to the other chamber. At this six week point, any bill remaining in the house of origin is dead for the year. A committee deadline is imposed on the bills that made it across the rotunda, as is a deadline for clearing the second chamber. Bills that are assigned to conference committee also have deadlines.

The deadlines give the Oklahoma legislative process a predictable rhythm. Also, they structure the volume and the intensity of the work. The session occurs in three cycles. The first four weeks are focused on committee work in the chamber of origin. The next two weeks are focused on moving bills across the chamber floor and to the other body. This completes the first cycle. The second cycle is similar in that the next four weeks are focused again on committee work. The following two weeks are focused on completing the floor work and returning the bills to the house of origin or sending them to the governor's desk. In the final four weeks the third cycle focuses on bills in conference committee and the budget. This is a predictable rhythm each year. Veteran legislators, staff and stakeholders know what to expect and how to function within these deadlines. This rhythm is an important part of the legislative structure in Oklahoma.

The deadlines determine the volume and the intensity of the legislative session. In 2015, 1,325 House Bills and 966 Senate Bills were introduced into the 55th Oklahoma Legislature. At the end of the first four weeks only 925 of the 2,291 total bills were still viable. The others were dead at the committee deadline. This is a significant reduction in the volume. Seasoned observers know that most bills will not survive the first deadline. So, there is little intensity regarding each bill, yet a very high volume of bills to manage. At the six week chamber of origin deadline only 757 bills remained alive.

When bills move to the opposite chamber the intensity level is significantly increased. Bills clearing the second chamber may be headed directly to the governor's desk. Others will return to the chamber of origin for final approval or move to conference. Because these committee meetings may be the last opportunity to block adverse

legislation, both proponents and opponents are actively engaged in these discussions. While the volume is greatly diminished the intensity is very high.

Once the second chamber deadline has passed the volume diminishes even more. Some bills have gone to the governor's desk, others are dead. However, many of the larger issues of the session are headed to conference committee and the budget still remains to be completed. These issue battles are very intense.

The deadlines create an important structure. They bring order to what would otherwise be a chaotic process. They allow the Legislature to meet its constitutional obligations to complete its work in a timely manner. The deadlines produce a rhythm that veterans can anticipate. They reduce the volume of legislation as the intensity of the issues increases.

Legislative Football plots these key actions on a football field along with the decisions of gatekeepers. The deadlines create a series of first downs that must be achieved before a bill can become law. Next is a discussion of the gatekeepers and their role in the legislative process.

GATEKEEPERS AND DISCRETION

The typical path of a successful legislative proposal is depicted in Figure 1. A bill moves from introduction to committee to the floor to the other chamber and to conference or the governor. Along the way powerful gatekeepers have the discretion to end its progress, effectively killing it.

The process of selecting gatekeepers for a legislative session begins well before members of the Legislature are elected. Legislative elections occur in Oklahoma in November of even numbered years. The state Constitution divides the Legislature into a House of Representatives and a Senate. Representatives are elected for a two year term and Senators are elected for a four year term. Senators' terms are staggered so that one half of the Senate is elected in each election cycle. Members of the Legislature are limited to 12 cumulative years of service in either or both chambers.

About 18 months before a legislative election the political party caucuses within the House and Senate each meet to select leaders for the coming election and subsequent Legislature. Fifteen days following a general election, members are sworn into their respective chambers. Those members meet in party caucuses to confirm or select leaders. On the first Tuesday following the first Monday in January following the general election the Legislature constitutes itself with an organizational day. Each political party puts forward its nominees for leadership in the House and in the Senate. House members elect a Speaker. Senators elect a President Pro Tempore.

Rules of the House (HJR 1004 2015) and rules of the Senate (Oklahoma Senate 2015) give the Speaker and the Pro Temp. exclusive authority to organize their chambers. The Speaker appoints the majority floor leader, assistant floor leaders and whips. The majority floor leader is key because he or she has the power to grant or deny a bill a hearing before the full House. The Speaker also determines the number of committees, appoints the chairs and vice chairs, and assigns bills to committees. Committee chairmen are key because they have the power to grant or deny a bill a hearing in committee. The Senate Pro Temp. makes similar appointments in the Senate.

These key gatekeepers have a great deal of discretion and autonomy. The authority of each is limited only by the Constitution, by the rules of the chamber and by the support of their peers. Within those limits their discretion is near absolute. The Speaker and the Pro Temp. serve at the pleasure of their members. Leaders of both chambers have been removed in the past few years. In 2008 Lance Cargill resigned as Speaker and was replaced by Chris Benge. In 2005 Cal Hobson resigned as Pro Temp. and was replaced by Mike Morgan. So, while the Speaker and the Pro Temp. are very powerful there is a democratic check on their authority. The majority floor leader and committee chairmen, once appointed, serve at the pleasure of their leader, providing a check on their authority. These powerful leaders create a system of gatekeepers, all of whom must allow a bill to proceed through the process before it can be successful. Any one of them can permanently halt a bill's progress.

Key gatekeepers in the legislative process are identified in Figure 2. The Speaker and the Pro Temp. are key players because of their ability

to assign a bill to specific committee chairman and their ability to direct the chairmen and the floor leaders. The committee chairmen and the majority floor leaders are key players because of their discretion to grant or deny bills a hearing in the venue they oversee. Conference committees have the same ability to hold a bill. Each committee and each chamber as a whole is key for its ability to pass or fail a bill. The governor is a powerful gatekeeper because of his or her ability to sign a bill into law or veto it.

FIGURE 2
Legislative Gatekeepers

House	Senate
<input type="checkbox"/> The Speaker <input type="checkbox"/> Committee Chairman <input type="checkbox"/> 50%+1 of the Committee <input type="checkbox"/> Majority Floor Leader <input type="checkbox"/> 50%+1 of the House	<input type="checkbox"/> The Pro. Temp. <input type="checkbox"/> Committee Chairman <input type="checkbox"/> 50%+1 of the Committee <input type="checkbox"/> Majority Floor Leader <input type="checkbox"/> 50%+1 of the Senate
<input type="checkbox"/> If Conference Committee, then Conference Committee Chairman <ul style="list-style-type: none"> <input type="checkbox"/> 50%+1 of Conference Committee members from each chamber <input type="checkbox"/> 50%+1 of the House <input type="checkbox"/> 50%+1 of the Senate <input type="checkbox"/> Governor	

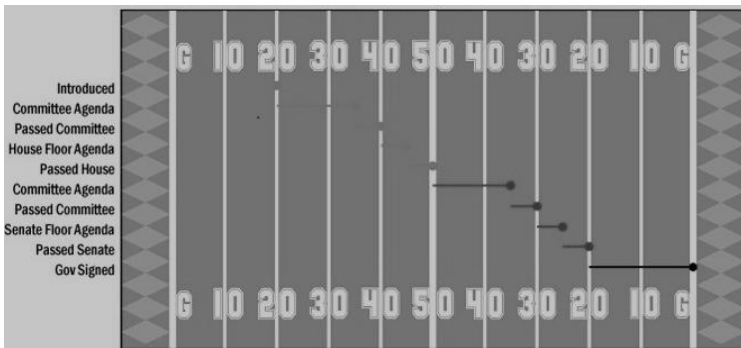
LEGISLATIVE FOOTBALL

THE GAME

Plotting the path of a bill from introduction to the governor’s desk through all of these gatekeepers on a football field highlights the consequential actions in the legislative process. As a bill moves through the legislative process, advancing passed one gatekeeper after another, the bill may be depicted as a football moving down the field toward a touchdown. Figure 3 depicts a bill moving directly through the process. Of course, few bills move along so smoothly, most experience setbacks along the way that must be overcome.

In football the offensive team generally begins with the ball on their end of the field at the 20 yard line. Their objective is to move the ball 80 yards to the other end of the field and across the goal line. In this metaphor an introduced bill begins on the offense's 20 yard line, as seen in Figure 3.

FIGURE 3
 Introduction of the Bill on the Field



There are four key votes to bring a bill to the governor's desk: House committee, House floor, Senate committee and Senate floor. Many bills are double assigned to committee adding two more votes, one in the House and one in the Senate. Each of these votes is initiated by a gatekeeper. Assigning 5 yards to each gatekeeper and each vote conveniently produces $12 \text{ decisions} \times 5 \text{ yards} = 60 \text{ yards}$ moving the ball to the defense's 20 yard line. The governor's signature completes the process. The full set of Legislative Football rules is found in Figure 4.

FIGURE 4
Rules of the Legislative Football

Field Position		
Own	Their	Kickoff
20		Introduction
25		Scheduled for Sub-Committee hearing
30		Passed out of Sub-Committee
35		Scheduled for Full Committee hearing
40		Passed out of Full Committee
45		Scheduled for Floor vote
50		Passed out of Chamber of Origin
	45	Scheduled for Sub-Committee hearing
	40	Passed out of Sub-Committee
	35	Scheduled for Full Committee hearing
	30	Passed out of Full Committee
	25	Scheduled for Floor vote
	20	Passed out of Opposite Chamber unamended
Touchdown!		Signed by Governor
Amended in Opposite Chamber		
	30	Returned to Chamber of Origin with friendly amendment
	25	Scheduled for Floor vote
	20	Passed out of Chamber of Origin
Touchdown!		Signed by Governor
Conference		
50		Sent to Conference Committee
	45	Scheduled for Conference Committee vote
	40	Passed out of Conference Committee
	35	Scheduled for Floor vote in Chamber of Origin
	30	Passed out of Chamber of Origin
	25	Scheduled for Floor vote in Opposite Chamber
	20	Passed out of Opposite Chamber
Touchdown!		Signed by Governor

FIGURE 4
Rules of the Legislative Football (continued)

Field Position	
Own	Their
Veto Override	
	30 Returned to Chamber of Origin
	25 Scheduled for Floor vote in Chamber of Origin
	15 Passed out of Chamber of Origin
	10 Scheduled for Floor vote in Opposite Chamber
Touchdown!	Passed out of Opposite Chamber
Losses	Penalties
-5	Scheduled but not passed (erased when rescheduled)
-5	Hostile amendment attached to otherwise good bill
-5	Proposed emergency failed (erased if restored)
-10	Friendly Amendment in Opposite Chamber
-15	Title is removed (erased if restored before conference)
-15	Enacting Clause is removed
3 points	Field Goals
	Hostile amendment becomes law in otherwise good bill
	Proposed emergency not included
	Line item veto removes important section of good bill

Below is a more detailed description of the advance of a bill past gatekeepers and votes to the governor’s desk and into law. Legislative proposals that have not yet been formally introduced into the Legislature may be considered awaiting kickoff.

The first major obstacle for any bill is to be placed on a committee agenda. In 2015, 40 percent of introduced bills die in the first committee without even one hearing. If the chairman agrees to hear the bill then it has a reasonable chance of becoming law. In 2015, 47 percent of bills surviving the first committee deadline became law. Without that first committee chairman’s support or at least acquiesces

the bill is dead on arrival. If a bill is not double assigned to two committees, the chairman placing a bill on the committee agenda is depicted as a 15 yard gain, moving the ball to the 35 yard line. When the bill receives a favorable vote by a majority of a committee quorum present, it moves to the floor leader's office for consideration by the whole chamber. Bills passing out of committee gain 5 yards placing them on the offense's 40 yard line. As noted earlier, any bill not passing out of committee prior to the committee deadline is dead. Passing committee is akin to gaining a first down.

Bills that may affect the budget in Oklahoma are assigned to two committees. Some bills in the Oklahoma Senate are simultaneously assigned to a policy committee and the budget committee. These bills must pass both committees before they can be considered on the floor. In the House some bills are assigned to a budget subcommittee and must pass both the subcommittee and the full committee. Double assigned bills may be depicted as gaining 5 yards for each chairman placing the bill on an agenda and 5 yards for each committee voting to recommend the bill to the next step. Bills completing these processes are on the 40 yard line awaiting action by the floor leader.

The floor leader is like the quarterback calling plays on the floor. In 2015, 168 bills died at the first floor calendar deadline because the floor leader never called them up for a vote. Only 14 bills failed on a floor vote all session in 2015. Getting on the agenda is key. When the floor leader places a bill on the floor agenda, the proposal gains 5 yards to the 45 yard line. When the bill receives a favorable vote by a majority of the members elected to and constituting the body it gains an additional 5 yards to the 50 yard line. By meeting the floor deadline it gains another first down.

At this point the bill has passed one chamber and is ready to begin deliberation in the opposite body. It is half way through the Legislature and metaphorically it is on the 50 yard line.

The process in the opposite chamber is the same. Almost every bill is assigned to committee. If it is assigned to only one committee, when the chairman puts it on the committee agenda the bill gains 15 yards, when the committee passes the bill it gains another 5. If the bill is double assigned then it gains 5 yards when the first chairman schedules it, 5 more when it passes the committee, 5 when the second chairman

schedules it and 5 when it passes. Bills passing from committee to the floor before the deadline in the opposite chamber have gained 20 yards and are now metaphorically on the 30 yard line.

To complete the legislative process and score a touchdown a bill must be scheduled by the floor leader and approved by a majority of the chamber, then signed by the governor. The floor leader scheduling a bill is a 5 yard gain, moving the bill to the 25 yard line. Passage by the chamber is a 5 yard gain moving the bill to the 20 yard line. The governor's signature moves the bill across the goal line for a touchdown.

Touchdowns are to be celebrated in football and at the Legislature. They don't come easily and they make a big difference in the outcome of the game. Of course, football is a competition played for entertainment. Legislation changes the rules of society. In Legislative Football the stakes are much higher and scoring is much more important than keeping score.

SETBACK AND PENALTIES

Every legislative body develops its own traditions that shape the law making process. In Oklahoma only a small percentage of successful bills take the direct route to the governor's desk described above. Most experience one or more setbacks along the way. These can be considered as penalties in Legislative Football. The two most common penalties are striking the title and striking the enacting clause.

Article V of the Oklahoma Constitution requires that every legislative bill have a title, an enacting clause and the substantive language in the bill. A way for legislators to meet the committee and floor deadlines with a bill that does not have final language is to strike the title or the enacting clause and give it a favorable vote. Making the bill unconstitutional insures that the opposite chamber cannot send it to the governor. They must send it back for further consideration or send it to conference.

Striking the title or the enacting clause is a way to keep a bill moving through the legislative process and meet the deadlines while

maintaining control of it. Traditionally the house of origin strikes the title and the opposite chamber strikes the enacting clause. The key to this parliamentary maneuver is that each chamber makes an amendment to the bill, so that the bill is not passed by each chamber in identical form sending it to the governor. Legislative leaders consider it an embarrassment if a bill goes to the governor in an unconstitutional form.

The Senate has a tradition of refusing to hear any bill on the Senate floor until the relevant committee chairman agrees to allow it to be heard. When a committee strikes the title or the enacting clause the bill is held in the floor leader's office until the chairman agrees to restore the stricken clause. This gives the chairman authority over the final language of a bill, even if it goes to conference committee.

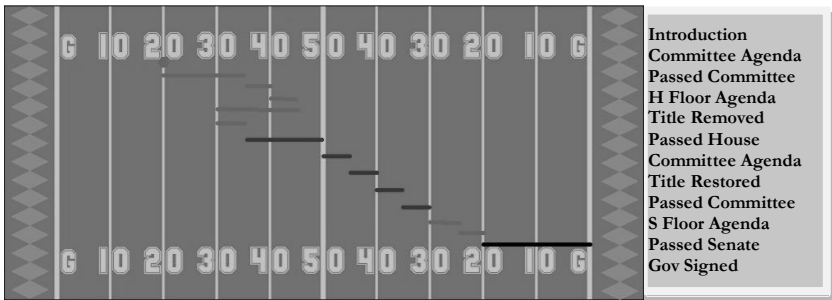
Bills are often described as vehicles, because the language of a bill may change several times along the way. However, without a bill that has survived the deadlines there is no "vehicle" in which to place the final language.

The Legislative Football penalty is 15 yards for striking the title or enacting clause. Restoring the title or enacting clause of a bill is a 5 yard gain. When a chamber strikes the title or the enacting clause they are assuring that the bill will return to their floor for further consideration. Further consideration requires the floor leader to schedule it and the body to vote. So, it takes three steps (restoring, scheduling, and voting) to regain the 15 yards. Each step is a 5 yard gain.

Figure 5 depicts a successful bill that had the title struck. The bill was introduced and placed on the offense's own 20 yard line. The committee chairman scheduled it and it gained 15 yards to the 35. The committee voted favorably giving it a 5 yard gain and placing it on the 40. The floor leader scheduled it and it gained 5 yards to the 45. On the floor they struck the title moving it back 15 yards to the 30. Then the chamber approved it, giving it a 5 yard gain and sending it to the opposite body resting on the offense's own 35 yard line. The opposite chamber assigned it to a committee and the chairman scheduled it. That provided a 15 yard gain moving it to the 50. The committee restored the title for a 5 yard gain, then passed it for another 5 yards placing it on the defense's 40. The floor leader scheduled it, a 5 yard

gain, and the floor passed it, another 5 yard gain, placing it on the 30 yard line. The bill returned to the house of origin for further consideration. The floor leader scheduled it for a 5 yard gain and the chamber passed it, a 5 yard gain, sending it to the governor on the 20 yard line. The governor signed it for a touchdown.

FIGURE 5
 Successful Bill on the Field



If both chambers strike a constitutional requirement then the bill must go to conference committee to be successful. With two 15 yard penalties the bill has passed both chambers, but is now only on the 50 yard line. When the bill is scheduled for conference committee it receives a 5 yard gain. Passage out of conference is a 5 yard gain. Then each floor leader and each chamber add 5 more yards.

These are the most common paths of a bill. Bills may experience a wide variety of actions along the way to the governor's desk. For example, a bill receiving a friendly amendment in the second chamber receives a 10 yard penalty and must return to the chamber of origin on the 30 yard line to accept amendments. Sometimes a bill is scheduled by a chairman or floor leader then not called up for a vote. The gain associated with the scheduling must be removed through a penalty until the bill is rescheduled. In some cases a committee will remove a constitutional clause only to have it restored on the floor before the bill leaves the chamber. In that case the 15 yard penalty is erased.

FIELD GOALS

A bill may receive an unfriendly amendment, but in the spirit of compromise the author may decide to move the bill forward. The unfriendly amendment is considered a 5 yard penalty and the successful bill should be scored as a 3 point field goal. Another penalty resulting in a field goal is when the author seeks an emergency clause but the bill passes without the emergency. In Oklahoma a bill may be declared an emergency by a favorable vote of 2/3 of both chambers. Emergency bills take effect upon the governor's signature unless an effective date is specified. Other bills take effect 90 days after the session ends unless a specific later date is specified. Also, a bill should be scored as a field goal if the governor issues a line item veto to a provision of the bill.

VETOES

If the whole bill is vetoed it receives a 10 yard penalty and is placed on the defense's 30 yard line. The bill is returned to the chamber of origin. When the floor leader schedules the bill it receives a 5 yard gain to the 25. Because it requires a 2/3 vote to override a veto if the chamber supports it the bill gains 10 yards to the 15. The opposite floor leader scheduling it moves it to the 10 yard line. A favorable 2/3 vote scores the touchdown. One successful veto override occurred in 2015.

FUMBLES

It is rare that an author loses control of his bill. If he does it is most likely in response to a demand from a committee chairman. Near the end of the legislative session a limited number of bills on any particular topic have survived the deadlines and are alive for consideration. Occasionally, the leadership or a committee chairman needs a "vehicle" for a last minute proposal. The powerful gatekeeper may go to an author and ask (usually politely) to take over a bill. If the author agrees authorship is transferred and the existing language is removed from the bill and a substitute proposal is inserted. Supporters of the original idea may consider this a fumble, even if the authors consider it a friendly transaction.

The supporters have been working a proposal through the legislative process and are nearing the goal line. Then suddenly they find that their idea has been killed, sometimes in favor of something only tangentially related. They have invested a lot of resources in this proposal only to discover that it is suddenly over the year. In many cases all they can do is come back next year and try again. To them it feels like someone fumbled the ball.

PRE-SEASON

Voters electing legislators and legislators selecting leaders is akin to football pre-season. In the pre-season football players are recruited, coaches are hired, strategies are developed and practices are held. In the pre-season portion of Legislative Football candidates are recruited, primaries are held, general elections are completed, leaders are selected, legislative agendas are developed and training sessions are conducted. All of this occurs before the opening kickoff and is crucial to scoring touchdowns.

PRE-GAME

In football players go through a pre-game routine. It includes rest, a meal and exercise. The development of legislative proposals beginning with the bill request process through formal introduction is akin to pre-game preparation. Legislative proposals come from a variety of sources including: constituents, groups, the administration and their own ideas (Rosenthal 2004). Most ideas go through a lot of refinement before they are introduced—kicked off at the Legislature.

THE TEAMS

An interesting question in any football metaphor is who should be considered “a part of the team.” For example, are coaches part of the team? Are fans in the stands part of the team’s success? Does the alumni association participate in the team’s success? If all of these are

participants in the game, then in the Legislative Football metaphor who are the players? Who are the coaches? Who are the backers and supporters?

Part of what makes a Legislature effective is that a different coalition can emerge for each legislative proposal. For the purposes of this initial version of the metaphor all of the supporters of an idea can be considered part of the effort to score that particular touchdown. These would include: legislators, associations, lobbyists, and other public officials such as the governor. Active opponents can be considered part of the defense.

Political parties are frequently conceptualized as teams in political science. This is a useful depiction of major policy initiatives and issues that may become campaign fodder. However, in day-to-day legislative operations the reality is that only about 20% of bills pass and the votes on those seldom break along partisan lines. A typical vote in the Oklahoma House looks something like 87 to 6. Opposition rarely climbs above 15 votes and frequently includes several members of the majority party. If a bill passes through the gatekeepers it is very likely to be approved by the body: in committee and on the floor in both chambers. The real challenge is getting a gatekeeper to schedule the bill.

In keeping with the idea that no metaphor is all inclusive or perfectly describes a situation, the governor is in the unique position of being able to propose legislation but not introduce it and she gets to decide which team she wants to be on just before the final play is made to score the touchdown. Her role is critical to the passage of legislation, but it does not fit neatly into the team aspect of a football metaphor.

PLAYS

This paper focuses on the gatekeepers in the legislative process and the key decision points. It does not delve into the strategies used by proponents and opponents. The implementation of those strategies could be considered equivalent to plays in a football game. Both the offense and defense call plays. An offensive play may be to accept a friendly amendment and add coalition partners. A defensive play may

be to ask a committee chairman to quietly kill a bill by removing it from the agenda. Of course, there are numerous possibilities for plays. Policy entrepreneurs are constantly developing new strategies and frequently adlibbing. All of that is beyond the scope of this paper. However, the rules and deadlines that structure the legislative process make it very difficult to circumvent the gatekeepers. This paper illustrates the most common paths of a bill.

Conference committee substitute language may be considered by some a “Hail Mary” pass. However, that play cannot be called until the legislative vehicle has worked its way through the entire process one gatekeeper at a time. In some instances these substitutes are the equivalent of fumbles and not Hail Mary passes. By mixing metaphors it could be argued that they are both, once again demonstrating that no metaphor is perfect and sometimes more than one is needed to illuminate a point.

LEGISLATIVE POLITICS IS A GAME, NOT A WAR

While football is a rough and tumble sport and some players do become permanently injured, it is not a war and fatalities are rare. It is important for students to understand that democratic politics is not a war. In fact, it exists as conflict resolution to prevent war. Football is a game where the winners celebrate and the losers come back next year. At the Legislature two opposing sides are constantly trying to outmaneuver one another. The winners create public policy. The losers come back next year.

Identifying all of the twists and turns of the legislative process are impossible. Policy entrepreneurs are constantly changing the way the game is played. Trying to capture every action in a football metaphor is unimaginable. However, the metaphor does lend itself to a greater understanding of the legislative process, the consequential actions in that process and the gatekeepers. The value of the metaphor is not in the details as much as it is in the concept and its ability to communicate a complex process.

DISCUSSION

USES OF LEGISLATIVE FOOTBALL

Legislative Football is valuable in at least two ways. First, it provides a metaphor for understanding and communicating the legislative process. This is particularly useful for students in a classroom setting. For students in the United States and particularly in Oklahoma, American football is part of their culture. Even students who are not sports fans are exposed to football through media outlets and casual conversation. Generally, its basic rules are widely understood. Even students who know little about football can follow the plot of a bill's progress down the field.

By comparison, the legislative process is complex and often difficult to follow. Textbooks tend to boil it down to a few simple steps which are repeated in both chambers. However, this explanation makes the legislative process seem mechanical and may miss the politics of policy making. Legislative Football not only distills the legislative process into simple steps it highlights the actions of the key actors along the way. In that sense it incorporates the politics into the process as part of the explanation.

Also, it gives students a sense of how far along a bill is in the process when it completes a particular step. It shows how actions like going to conference are setbacks that must be overcome for a bill to become law. A bill can be one vote from the governor's desk and be routed to conference committee. The completion of each step is a small victory, like getting a first down. But the battle is not over until the bill is signed by the governor, scoring a touchdown.

Second, by plotting the progress of a bill on a football field Legislative Football is a strong communications tool for those who do not follow closely the legislative process. Casual observers may hear about a legislative proposal through news media or friends. They have no idea if the bill is about to become law or if it is only a vague conceptualization. Legislative Football provides them a frame of reference they can quickly understand. Telling a friend that a bill is on the offense's 35 yard line or the defense's 40 communicates most of what they need to know about the current status of a bill. Trying to explain that it was passed by one chamber with the title off and now

must pass the opposite chamber and return for additional consideration is more detail than the casual observer wishes to absorb. For many an estimated field position is more valuable than a detailed explanation. Legislative Football is a tool that legislators, lobbyist, faculty and news outlets can use to communicate important complex information to those who are only moderately interested in the intricacies of the legislative process.

HIGHLIGHTS OF OKLAHOMA'S LEGISLATIVE PROCESS

This article set out to identify the consequential actions of the Oklahoma legislative process, identify the important gatekeepers who take the actions and incorporate these actions into a football metaphor. Along the way it highlighted many important points about the Oklahoma legislative process.

First, many actions affecting the outcome of legislation occur well before the session begins. Leaders are preliminarily identified almost 18 months before the session begins. Bills are requested 2 ½ months before the session begins. The election and deadlines shape the final results but many key decisions are set in motion long before the session begins. These decisions are not generally discussed as part of the legislative process and are not included in the field position metaphor. They may be considered part of the pre-season preparation and pre-game warm-up.

Second, Oklahoma's legislative deadlines give the session a rhythm. This rhythm is known and anticipated by those who regularly engage the Oklahoma Legislature. The first six weeks are high volume but low intensity. The next six weeks have a reduced volume, but the seriousness of each proposal grows. The final four weeks are focused on major issues with much less volume. It is not two halves or four quarters (no metaphor is perfect), but the rhythm is an important aspect of the Oklahoma legislative process.

Third, Legislative Football is a successful way to depict the distance a bill is from becoming law. Another way to think about it might be to ask the question how many votes is a bill from becoming law? An introduced bill needs the support of at least 4 bodies before it can go to

the governor's desk. In effect, it is 4 votes away from the governor's desk. The bill begins on the 20 yard line. When it passes committee it is at the 40 yard, 3 votes from the governor's desk. When it passes the chamber of origin it is at the 50 yard line, 2 votes from the governor's desk. When it passes committee again it is at the 30 yard line, 1 vote from the governor's desk.

When the gatekeepers for each vote are added a bill begins 8 steps away from the governor's desk. Because the fate of a bill is more dependent on the leader scheduling a hearing than on the actual hearing, these decisions by the gatekeepers account for significant yardage gains in Legislative Football.

Finally, the complexities of the legislative process make it difficult to communicate. Legislative Football is a strong communications tool that incorporates politics into the explanation. Most political novices, (students and stakeholders) understand football as a metaphor. This concept communicates with them in terms they understand. Even if the communicator is imprecise in plotting the ball on a specific yard line the concept still communicates effectively. In addition, the explanation of where a bill is plotted brings the decisions of key gatekeepers into the discussion highlighting the politics that goes on within the Legislature. Increased understanding of the process reduces cynicism among students and citizens.

REFINING THE MODEL

This version of Legislative Football is only the beginning of a conceptualization. A possible next step is to develop similar models for other states. While 49 states follow a similar constitutional framework, each state has its own legislative traditions. An important aspect of the metaphor is to highlight consequential legislative actions. It would be useful to develop a set of Legislative Football rules for additional states that highlight the consequential actions of those states. A comparison of those different game rules would illuminate the differences between legislative processes in different states. For example, not many states use the tradition of striking the title as it is used in Oklahoma.

Once these comparative rules are developed the plotting of a bill's progress along a football field would allow for direct comparisons between bills in various states. This could be used to discuss a variety of bills generally. Or, it could be used to discuss the progress of a specific legislative proposal as it diffuses through the states. For example, a recent controversy arose about a religious freedom proposal. Similar bills were introduced into a number of state legislatures. Legislative Football allows interested parties to track the progress of the proposal in several states. This is particularly useful to national associations. Refining the model in this way would allow the researchers to plot their findings on a simple to understand chart. It would help students understand the differences between various states legislative process.

Incorporating more of the "unused" parts of the football metaphor may help illuminate other aspects of the legislative process. For example, the legislative advocacy strategies used by both the proponents and opponents of a bill could be compared to various football plays. Another example would be a broad discussion of political parties in the Legislature and the meaning of team. This paper settles on shifting coalitions as the team. However, many other perspectives could be developed.

Legislative Football is a strong communications tool. It connects with audiences outside the world of political science and politics. With further refinement, it has potential as a valuable research tool.

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