DEFINING AND MEASURING THE PROGRESS OF LEGISLATION

RICK FARMER

ABSTRACT

Anecdotal evidence suggests the chances of a policy proposal becoming law in the future is dependent on the progress it made in a recent legislative session. Not only has this not been tested, but there is not an appropriate measure of legislative progress that works across states and across time to test the proposition. This project develops an eight-category ordinal measure of legislative progress. It demonstrates the success of the measure across eight states and across three legislative sessions. Applying the measure reveals interesting trends between legislative chambers and over time in Oklahoma.

INTRODUCTION

Proponents of an unsuccessful legislative proposal frequently say to their constituencies, "We got farther in the process this year than we did last year. We are making progress. We have to keep trying." Enacting legislation is often described as "getting to the finish line." Legislators, lobbyists, national organizations, etc. use this rhetoric to motivate their supports for the next attempt at passing or blocking legislation.

Nationally, less than 20% of bills introduced into state legislatures become law in any given year (Calculated from *Book of the States* (Council of State Governments 2019)). Often proposals are introduced year after year. Some ideas float around the Capitol for several years before they become law. Is it true that how far a proposal progresses through the legislative process before stalling is a good predictor of its likelihood of passing in the near future?

This is a key question in the political world, and it has important implications for Political Science. The answer is generally assumed to be "yes." But there are no studies to support this claim. In fact, there is no appropriate measure of legislative progress that works across multiple states. The purpose of this project is to develop a rubric that will work across numerous states for measuring the progress of a bill.

A future work may use this measure as the variable in a predictive model, if a predictive model can be demonstrated. That is not the purpose of this paper. This current work identifies a common way of describing legislative progress. An effective measure would allow participants and observers across multiple states to share information using common terminology. This will benefit public policy proponents and opponents working across states. It will also benefit scholars and journalist examining the diffusion of public policy ideas through the states.

When we talk about policy proposals diffusing through the states, we tend to talk about them as "not considered," "under consideration" or "passed." This paper will add more distinction to the conversation by subdividing the "under consideration" category.

In Political Science the discussion of how a policy idea spreads across the country, from state to state, is described as "diffusion of innovation." Scholars attempt to explain how policy ideas transfer from one state to another and at what rate. Many factors have been identified including geography, ideology, partisanship, institutions, emulating previous success and solving problems (Collingwood, El-Khatib and O'Brien 2019). These studies generally focus on enacted policies. A few look at introduce legislation. Any discussion of partial success is generally a passing reference to a failed attempted at enacting a proposal. Measuring progress toward enactment may be a key factor in understanding the timing of diffusion.

When legislators gather at conferences to discuss their work, they not only discuss policy content, but they also talk about strategies for success. These conversations frequently include comments about how far the idea got in the legislative process and what is needed to move it to the next step. Although in 49 states the legislative process follows a similar pattern, the subtleties of each state are such that a common terminology will facilitate these conversations. Journalists and policy advocates who are observing the diffusion of ideas across states also need a common terminology. This paper proposes that terminology.

DIFFUSION OF INNOVATION

Chris Mooney (2020) summarizes well the development of scholarship on the diffusion of innovation. The literature indicates that public policy ideas spread from state to state because of learning, competition, emulation and federal coercion. Researchers have delved into the how and why of each of these. These studies

are facilitated by the State Innovation and Diffusion Database maintained in the Harvard Dataverse (Boehmke, et al. 2021) that now contains the enactment date of over 800 policies.

Diffusion research was inspired by Jack Walker's (1969) seminal work, where he envisioned state adoptions as dots spreading across a map. Geographic proximity was thought to be a key factor. Virginia Gray (1973) suggested that we could better understand the speed of diffusion by considering the cumulative "S-curve" of state adoptions.

Any discussion of policy diffusion must grapple with the numerous variations of a policy. A few scholars (Callaghan, Karch and Kroeger 2020) have used plagiarism detection software to track the diffusion and evolution of model legislation. However, as Mooney (2020) points out policy specifics are largely ignored in the diffusion conversation. Clark (1985) observed diffusion research tends to assume "all states adopt exactly the same policy." Even Walker (1973) wondered at what point modified legislation became a different policy. Mossberger (2000) pointed out that sometimes a state borrows only a label or a general concept. If a concept is getting traction in several states it is generally discussed as one policy idea, even if it is a complex and evolving set of policies.

This assumption is also true among practitioners. For example, in 2021 voter requirement bills were considered in several states. The Brennan Center (2021) lumped all of these bills together into "voter suppression bills." By late June 2021 they identified 389 introduced bills in 48 states. Topics include vote by mail, voter ID, registration purging, and barriers to registration.

Defining the scope of the policy being studied is a matter for the researcher and not an issue to be resolved in this project. Whatever the scope, the rubric proposed below will define the progress of the bills and standardize the conversation. For example, the Brennan

Center (2021) attempted to help readers understand how many bills were moving forward in 2021 by saying "31 have passed at least one chamber. Another 30 have has done sort of committee action (e.g., a hearing, an amendment, or a committee vote)." The rubric provides standardized categories for that discussion.

POLICY ADOPTION

Diffusion research generally focuses on the end result and misses the policy adoption process. Some legislative bills are intentionally assigned to a committee that will kill them. Other bills pass one chamber but die in the other. A few bills pass both chambers but die in conference. And, some bills falter on the governor's desk.

Of course, public policy can be enacted in other ways. In 24 states citizens can bring an initiative petition and in 23 states the Legislature and/or citizens can request a referendum (USC 2021). In some cases, an executive order, an agency rule, an attorney general's opinion or a court ruling can produce a public policy. This project focuses on defining terms to describe the myriad of legislative processes found in bicameral legislatures and not on other forms of policy making.

A GOOD MEASURE

The measure that we use by default is a three-category ordinal scale: not considered, under consideration, and enacted. An appropriate measure of legislative progress will add more points to that scale. However, too many points will be confusing to casual observers. Also, the differences between states make it difficult to tease out subtle points, which may be key in one state, but do not apply in others. A good measure will add a few key categories to the scale, focusing on the largest and most common actions in the legislative process.

HOW A BILL BECOMES A LAW

The broad view of the legislative process in a bicameral legislature

is so standardized that relatively simple flow charts appear in most basic government textbooks. They can be described as "Y charts." They have two symmetrical branches that come together at the bottom with a tail for conference and executive action. For an example see Chart 1 below.

Chart 1

The Path of a New Law in Oklahoma

We usually think in terms of a bill starting in the lower house then proceeding to the upper house. Bills get introduced in one chamber and assigned to committee, then they proceed to the floor. If successful in these two stages, they move to the other chamber to begin the process over again. Bills that survive both chambers either go directly to the governor's desk or move to a conference process for resolving the differences between the two chambers' versions.

Between these broad brushstrokes are many rarely discussed steps. For example, bills get amended in committee. Bills are placed on General Order. Bills get amended on the floor. The amendments are engrossed. All of these steps are essential to the process, but each state does them in its own way, reports them differently and uses their own terminology. To see the full scale of process steps in one state see Chart 2 below.

Chart 2

How an Idea Becomes a Law
Prepared by Oklahoma House of Representatives Research Staff
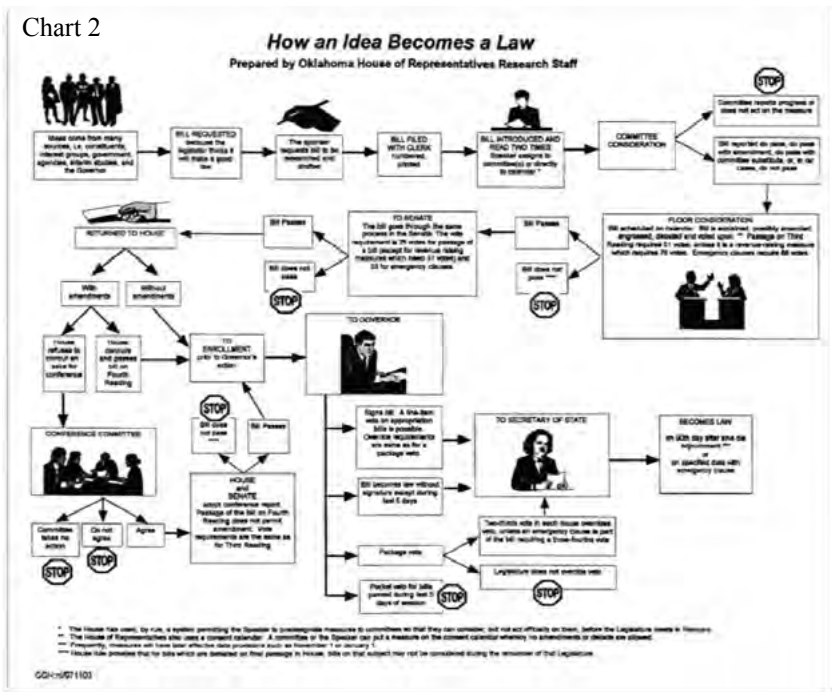
GATEKEEPERS/LEGISLATIVE PULSE POINTS

There are certain actions taken by a Legislature that are universal, but the steps to achieve those milestones are different across states. For example, a bill passing out of committee is a major step everywhere. In some states a bill does not appear on a committee agenda unless the chairman intends for it to pass. In other states all bills assigned to a committee appear on an agenda and get a hearing. Either way, when the bill clears committee, it has completed a major hurdle. So, while placing a bill on a committee agenda and passing it out of committee are two separate, distinct and important acts, a broad overview of the process that focuses on the significant steps common to most legislatures will represent those steps as one significant achievement, passing out of committee.

The same can be said for a bill passing off the floor of a chamber. A bill may get held up for a few hours if a member objects to the engrossing or to the bill being placed on the calendar. However, when the bill receives a majority vote and is passed to the other chamber it has achieved a significant milestone.

When a bill is amended by the second chamber, describing the process become very messy. The first option is for the originating chamber to refuse to hear the amendments and let the bill die. The next option is for the original chamber to adopt the amendments coming from the second chamber, sending the bill to the governor. The third option is to reject the amendments and request a conference committee to resolve the differences. Conference committees occur in different ways in different states. The details become very difficult to describe in a universal way. However, a bill that reaches conference has clearly progressed beyond bills that did not win a floor vote.

The governor has several options once a bill reaches his desk. He could sign the bill into law, allow the bill to become law without his signature, veto the bill, line-item veto provisions in the bill or

pocket veto the bill. If the governor vetoes the bill or issues a line-item veto, the Legislature has the option of overriding that choice. What is important here is that the governor is a key gatekeeper who makes a decision that affects the success of the bill.

THE RUBRIC

A common vernacular is missing from the discussion of policy enactment, largely because each state has different traditions and subtleties within their legislative processes. This has driven the conversation toward three default categories: not considered, considered, and enacted. To better understand and communicate the progress of a policy within and across states, a standardized set of categories is needed. These categories will be an ordinal scale available to scholars and other observers to measure progress and compare it across states.

The purpose of this project is to define those categories. The categories described below are broad enough to apply to all 49 bicameral states, yet they capture the key actions within the legislative process. They do not capture the use of initiative petition. A future project should consider how to apply the rubric to non-legislative forms of policy making.

Not only is defining the categories a challenge, but naming them is equally difficult. Names imply connotations that affect thinking. Because there is no standardized vernacular, observers frequently describe the status of a bill using two conventions: the most recent action taken and who has possession of the bill. For example, we might say a bill "passed committee and is on the floor calendar." So, is a good label "passed committee" or is a better label "on the floor"? While they are clearly distinct steps in the processing of a bill, in the larger scheme of things, they both indicate the same approximate location in the process.

With these issues in mind, the following ordinal categories are proposed. These categories indicate who has possession of the

bill, which implies what the last action was and what next action is needed. For example, if a bill's status is that it is On FC (First Chamber) Floor, that implies it passed committee in the first chamber and has not passed a floor vote. Referring to the status of a bill by who currently has possession of it is in keeping with the commonly used phrases "it died in committee" or "it died in the Senate."

No Legislation (0) – In the discussion of the diffusion of ideas across states, this is a commonly understood category. It contains those states where no bill was introduced into either chamber of the Legislature.

In FC Committee (1) – This broad category combines several distinct actions within a legislative body. In many cases this involved first reading, second reading and assigning a bill to committee. However, some states do not conduct second reading at this stage. Some states assign bills to more than one committee. The assignments may be concurrent or sequential. For example, a bill may get assigned to a policy committee. Once it passes the policy committee it may be assigned to a budget committee. Whatever the local process, with few exceptions, when a bill is introduced into the originating chamber it is assigned to committee.

For simplicity, "FC" is used to abbreviate the term "first chamber." The term "first chamber" is more common language and easier for the lay observer to follow than the term "originating chamber."

This In FC Committee refers to a bill in possession of any committee in the first chamber, other than a floor scheduling committee. Bills that clear the committee process and are awaiting scheduling on the floor are considered to be in the next category. For example, if after passing through a substantive committee a bill must pass through the Rules Committee before being heard on the floor, that bill will be scored as in the next category.

On FC Floor (2) – This broad category encompasses everything that happens from when a bill is available to be scheduled for a hearing on the first chamber's floor until it receives a favorable vote and is transmitted to the second chamber. This includes bills that were assigned direct to calendar, skipping the committee process. It includes bills withdrawn from committee and brought to the floor. This category includes bills that are tangled in a procedural motion and delayed or prevented being transmitted to the second chamber.

Occasionally the legislative process can take some twist and turns that complicate classification of a bill's progress. For example, if a bill is reassigned to a committee it would regress back to In FC Committee. This is a rare occurrence in most legislatures. Also, if a bill was introduced but never assigned to a committee it would be in this On FC Floor category. It is impossible to tell from the published records if the leadership intended to bring the bill directly to the floor for a vote or if they intended to kill the bill by withholding it from the committee process. So, does such a bill belong in a category that is pre-In FC Committee or does it belong in On FC Floor? Because we cannot determine intent it is placed in On FC Floor. Neither of these instances or the many other unusual twists occur often enough to introduce significant error into the coding scheme. If thousands of bills are introduced and something odd happens a handful of times, it is of little statistical concern.

In SC Committee (3) – When a bill is transmitted from the first chamber to the second chamber it basically starts the process over. This category is identical to In FC Committee except that the second chamber is now in control of the bill.

On SC Floor (4) – Any bill available for scheduling to the second chamber's floor will be in this category. This includes bills clearing the committee process, bills assigned direct to calendar, bills withdrawn from committee, etc. It also includes procedural motions on the floor that might delay a bills transmittal. Once

the bill receives a favorable vote on the floor and is transmitted it moves to the appropriate next category. Which category is next depends on the actions taken by the second chamber.

Resolving Amendments (5) – This broad category includes all bills that were amended by the second chamber and now need those amendments resolved by the first chamber. If a bill is transmitted from the second chamber to the first chamber with amendments the first chamber may accept those amendments, reject the amendments and ask for conference, or just kill the bill. In all of those circumstances this bill is designated in the Resolving Amendments category until it is transmitted to the governor for signature.

At this stage the legislative process becomes difficult to describe. Each state has different procedures. The path of a bill can take a lot of twists and turns. In a broad overview of the process, it does not make sense to subdivide this category especially if the categories are to apply across multiple states. Besides, to most observers the important point is that the bill received a favorable vote in both chambers but did not make it to the governor's desk.

On Governor's Desk (6) – Once a bill is approved by the Legislature and is transmitted to the governor for his action it is in this category. Bills that passed the second chamber with no amendments skip the previous category and go directly to this category. Bills where acceptable amendments were approved by both chambers arrive at this destination.

Across the states the governor has five optional actions: sign the bill into law, allow the bill to become law without his signature, line-item veto sections of the bill, veto the bill and pocket veto. If he signs the bill or allows it to become law without his signature it moves to the final category. If the governor pocket vetoes the bill it remains in this category.

Things become more complicated if the governor line-item vetoes a bill or vetoes it. If the governor line-item vetoes a bill it should be coded based on the specific provision being studied. If those provisions become law then based on that success it should be assigned to final category. If the provisions of interest were the ones vetoed then the bill should remain in this category. If the bill is vetoed it should remain in this category.

Of course, the actual process is for a vetoed bill to be returned to the chamber of origin. That chamber may attempt an override. If successful the bill is transmitted to the second chamber for an override. If both are successful the bill moves to the final category. However, these occurrences are relatively rare (a few bills out of thousands per year) and they add very little distinction to the concept that a bill made it to the governor's desk but did not become law. So, for those reasons vetoed bills remain in this category until they receive final approval.

Enacted (7) – This category includes all bills that complete the process and are enacted into law. Once the governor signs the bill or it becomes law without his signature it belongs in this category. Bills that have a successful veto override move to this category.

These categories are specific enough for scholars to use them as ordinal categories in the study of policy enactment. They capture the conversation that occurs among legislators and policy advocates. They also are straight forward enough for casual observers to understand, remember and communicate. Adopting these categories will help us all better communicate the status of a bill in the legislative process.

BILL HISTORIES

The progress of a bill can be traced in most states through a published bill history. Bill histories are generally available on a legislature's website. They are published in a lot of different formats and they use different terminologies. They usually contain

all of the actions taken on a bill and the date of the action. In many cases these include administrative processes (such as the presiding officer signing the bill for transmittal) and formal votes. Using these published histories, the rubric can be applied to identify a bill's status for researchers and communicators.

CODING THE RUBRIC ACROSS 8 STATES

From the official legislative websites of Oklahoma and the seven surrounding states (TX, NM, CO, KS, MO, AR, LA), bill histories were captured and analyzed. Specific bills were selected for no reason other than the fact that they had extensive bill histories available for analysis. The full published bill history for each is linked in this note.[1] These histories illustrate the different ways states handle bill processing and the different ways a bill's progress is reported.

---

1   http://oklegislature.gov/BillInfo.aspx?Bill=HB1775

https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=SB43

https://legiscan.com/NM/bill/HB250/2021

https://leg.colorado.gov/bills/sb19-085

http://www.kslegislature.org/li/b2021_22/measures/sb29/

https://house.mo.gov/Bill.aspx?bill=HB430&year=2021&code=R

https://www.arkleg.state.ar.us/Bills/Detail?id=SB289&ddBienniumSession=2021%2F2021R

https://legis.la.gov/legis/BillInfo.aspx?i=240779

In most cases published histories available on the state's official website are considered unofficial histories. The official legislative records are kept in the *Journal* of each legislative body. The website versions are used to develop Table 1 because they are easily accessible. It is possible that using unofficial records could introduce a small amount of coding error.

Table 1 includes the total number of entries in the published bill history of each selected bill. Totals range from 10 to 57. In NM only high-level actions are reported. In Missouri and Texas a lot more minutia is included. The table also shows where available the number of entries in the official legislative *Journal.* These are indicated in the published history by a reference to a page number in the *Journal.* NM's page numbers were not reported. Assuming each website entry correspond to a *Journal* entry, they range from 10 *Journal* entries in New Mexico to 38 in Missouri and Texas. These numbers indicate the difficulty in standardizing the discussion across states. In their published reports states make available a wide variety of descriptions and use a variety of terms to describe a bills progress.

Table 1: Examples of Key Actions Taken within Each Rubric Category in Oklahoma and the Seven Surrounding States

	OK-HB 1775	TX-HB 113	NM-HB 250	CO-SB 19-085
Total # of Actions Published	49	54	10	21
Total # of Actions Recorded in the Journal	27	38	Not Reported	Not Reported
In FC Comm	2nd Reading, Referred to Common Ed	Read First Time, Referred to Natural Resources	Sent to HHHC/HSEIC, HHHC Reported Do Pass	Assigned to Judiciary, Judiciary Refer Amended to Appropriations
On FC Floor	1st Reading CR Do Pass, General Order, 3rd Reading, Passed	Filed Reported Favorably, Placed on Intent Calendar, Read 2nd Time, Read 3rd Time, Passed	HSEIC Reported Do Pass w Sub, Floor Amnd,	Appropriations Refer Unamended to Senate, 2nd Reading
In SC Comm	2nd Reading, Referred to Ed	Read First Time, Referred to Pensions	Sent to SHPAC	House – Assigned to Business, Business Refer Amended to Appropriations
On SC Floor	Engrossed to Senate, 1st Reading CR Filed, General Order, Floor Sub	Reported Engrossed Reported Favorably, Read 2nd Time, Amended, Read 3rd Time	Passed House Reported Do Pass	3rd Reading Passed, Appropriations Refer Unamended to House, 2nd Reading
Res Amend	Passed, Engrossed to House, SAs Received, SAs Adopted, H 4th Reading, Passed	Passed, HAs laid before Senate, Read, Senate Concurs	Passed Senate, Floor Amendment	3rd Reading Passed, Senate Result to Concur, Signed by President, Signed by Speaker
On Gov Desk	Sent to Gov	Sent to Gov	House Concurred	Sent to Gov
Enacted	Approved by Gov	Signed by Gov	Signed by Gov	Gov Signed

Table 1: (cont.)

	KS-SB 29	MO-HB 430	AR-SB 289	LA-HB 3
Total # of Actions Published	29	57	28	26
Total # of Actions Recorded in the Journal	19	38	Not Reported	23
In FC Comm	Referred to Insurance, Hearing	Read Second Time, Referred: Children and Families, Reported Do Pass, Referred: Rules, Reported Do Pass, Referred: Fiscal	Read Second Time, Referred to Public Health	Ready by Title, Referred to Ways and Means
On FC Floor	Introduced Committee Report, Committee of the Whole	Prefiled, Read First Time, Reported Do Pass, Third Reading and Passed	Filed, Read First Time, Recommendation Do Pass, Read Third Time, Passed	Read by Title Reported with Amendments, Read Third Time, Finally Passed
In SC Comm	Referred to Insurance, Hearing	Second Read and referred: Ways and Means, Reported Do Pass, Referred to Gov Accountability (Re-)referred to Gov Accountability	Read Second Time, Referred to Public Health, Amendment Adopted	Read Second Time, Referred to Revenue and Fiscal Affairs, Reported Favorably, Recommitted to Finance
On SC Floor	Emergency Final Action - Passed, Received and Introduced Committee Report, Committee of the Whole	Reported to Senate and First Read Reported Do Pass, Third Reading, Senate Substitute, Reported Do Pass, Third Reading and Passed	Transmitted, Read First Time Returned Do Pass, Read Third Time, Passed, Enrolled and Ordered Delivered to Senate	Ordered to the Senate, Read First Time Reported Favorably, Senate Floor Amendments Adopted, Read by Title
Res Amend	Emergency Final Action – Passed as Amended, Nonconcurred, Motion to Accede, Agree to Disagree, Conference Committee Report Adopted	Reported to the House, Referred: Fiscal, Reported Do Pass, SS Adopted, Finally Passed, Signed by Speaker, Signed by Pro Tem	Returned to Senate as Amended, Re-referred to Public Health, Returned Do Pass, Read Third Time and Passed	Passed, Read by Title, Senate Amendments Concurred
On Gov Desk	Enrolled and Presented to the Gov, Vetoed by Gov	Delivered to Gov	Delivered to Gov	Sent to Gov
Enacted		Approved by Gov, Delivered to Sec of State	Notification that SB289 is now Act 462	Signed by Gov

The remainder of Table 1 demonstrates the process of collapsing this variety of terminology into the seven ordinal categories of activity proposed in this project. Space here does not permit the publication of each bill's full history. The table shows a few key phrases taken from each state's web publication. The language is identical or very close to the wording used on the state's website. For example, the bill history of a successful bill in Oklahoma ends with "Approved by Governor," in Texas bill histories end with "Signed by the Governor." Using the state's actual language is intended to capture the differences in terminology and yet demonstrate that the meaning can be standardized into the eight categories.

The list of entries in each cell is how that particular state describes the actions taken that should be coded within each rubric category. For example, referring a bill to committee is an action that should be coded as In FC Committee or In SC Committee. Actions like SAs Adopted should be coded as Resolving Amendments.

Keep in mind the coding categories are broad and may stretch beyond the obvious for reasons explained in the rubric above. For example, referring a bill to committee occurs on the chamber floor, but the act places the bill in the In FC Committee or In SC Committee category. Typically, the first action listed in a cell is the last action taken by the previous body. This is because taking that action triggers change of possession and coding into the next category.

Coders must always keep in mind this is a coding rubric, not a sequential description of the legislative process. Across the states, the number of bills getting a floor vote without going to committee is miniscule. However, because the intent of the legislative leadership cannot be inferred from published bill histories it is necessary to assume that bills not assigned to committee are available to be heard on the chamber floor. This creates an odd situation where bills actually begin life in the 3rd category, On FC

Floor, and almost immediately regress to the 2nd category, In FC Committee. The same applies when bills cross the rotunda to the second chamber. To illustrate this in Table 1 the On FC Floor and On SC Floor categories are divided into pre-committee and post-committee language. All of which is coded as on the floor.

Researchers are generally coding bills final status after the legislative session has ended. In that case a researcher will find very few bills that were introduced but never referred to committee. As such, very little error will be created by coding such bills as on the floor. Legislators, advocates and other observers will never be precise in their usage of the rubric, so they will adjust their description of a bills status as appropriate to their circumstances.

Table 1 illustrates that coding legislative actions in various states into a single set of categories can be successful even though states use different processes and terminologies. It also demonstrates the challenges of coding who has possession of a bill rather than who took the last action. Not every choice is intuitive, but a well thought out rubric will provide researchers a valuable tool. And, a well thought out rubric will capture the common conversation that occurs between legislators, advocates and observers.

CODING OKLAHOMA SUMMARY STATISTICS

In addition to coding individual bills the rubric is useful for coding full legislative sessions. Of course, this gives rise to a different type of variable and a different analysis.

Table 2 provides an example taken from summary statistics of the 2021 Oklahoma House of Representatives' actions. Oklahoma's Legislative Service Bureau operates a software package known as Bill Tracking Online. Many aspects of the software are available through the legislative websites. However, a more robust version is used internally at the Legislature. Reports containing summary statistics are available through the desktop version of BT Online. These are also unofficial statistics and a handful of actions are

reported in more than one category. As a result the percentage columns do not always add to 100. The overall error is minimal.

Table 2: Final Status of 2021 Oklahoma House Bills

	House	% of int	Rubric
Introduced	2022	100.0	
House Committees	1465	72.4	In FC Comm
Senate Committees	91	4.5	In SC Comm
Senate Calendar	43	2.1	On SC FL
House Calendar	100	4.9	On FC FL
In Conference	0		Res Amd
In GCCA	3	0.1	Res Amd
Referred for Engrossment	4	0.2	On FC FL
Referred for Enrollment	0		On Gov Desk
Measures Failed	13	0.6	On FC FL
Stricken from Calendar	0		On FC FL
Died in Conference	4	0.2	Res Amd
Died in GCCA	0		Res Amd
Sent to Governor	0		On Gov Desk
Approved By Governor	289	14.3	Enacted
Became Law w/o Signature	1		Enacted
Vetoed	8	0.4	On Gov Desk
Veto Overridden	0		Enacted
Line Item Vetoed	0		On Gov Desk
Pocket Veto	1	0.0	On Gov Desk
Filed w/ Secretary of State	0		Enacted

The list of all summarized final actions is in the first column of Table 2. The second column identifies the number of House Bills ending the session in that condition. The third column is the percentage of the whole remaining in that status. The final column indicates how that status is coded in the legislative progress rubric.

This table indicates a few interesting sides notes. For example,

72.4% of bills introduced into the Oklahoma House in 2021 died in committee after four weeks of session. Only 14.3% of House Bills became law. Also, almost 50% of the bills that cleared committee in the first four weeks of session did become law. However, Table 2 is provided because it demonstrates how to code the summary categories. This gives rise to the statistics in Table 3. That table demonstrates the usefulness of the rubric for comparing legislative sessions across time and across chambers.

COMPARING LEGISLATIVE SESSIONS AND CHAMBERS

Table 3 aggregates the summary statistics available through the Oklahoma Legislative Service Bureau's BT Online software into the rubric categories based on the coding demonstrated in Table 2. These statistics are aggregated separately for House Bills and Senate Bills in three legislative sessions.

Table 3: Final Status of Oklahoma Bills in First Sessions

	House			Senate		
Year	2021	2019	2017	2021	2019	2017
n=	2023	1801	1561	1105	1018	863
In FC Comm	72.8	73.1	70.8	50.8	52.4	56.3
On FC FL	5.8	6.2	7.8	6.5	7.6	8.9
In SC Comm	4.5	5.7	5.1	4.7	7.3	7.8
On SC FL	2.1	1.0	1.2	9.9	7.5	5.3
Res Amd	0.3	0.7	2.0	0.8	0.2	0.7
On Gov Desk	0.4	0.6	0.5	0.5	0.6	0.9
Enacted	14.4	12.8	12.6	26.8	24.6	20.0

The Oklahoma Legislature operates on a two-year cycle that occurs between general elections. BT Online accumulates statistics across both legislative sessions. It is impossible to tease out only bills introduced into the second session. In the second session some carryover bills are considered. This jumbles the statistics for that

year. So, for the convenience of providing rubric examples Table 3 focuses on odd numbered years.

The first column in Table 3 identifies the rubric category. The next three columns indicate the percentage of House Bills ending the year in that final status. The final three columns indicate the percentage of Senate Bills ending the year in that status.

The power of Table 3 is that is demonstrates that over 80% of bills in Oklahoma end the session in one of two categories. They either die In FC Committee or they are enacted. While there is value in the other five categories, subdividing them further would not add analytic power. Although the Legislature, through BT Online, offers 20 categories, the seven identified in Table 3 capture the legislative actions well.

Statistics like those found in Table 3 can be generated using other states' legislative websites. A future research project could use these statistics to compare the activities and productivity of legislatures. For example, *The Book of the States* consistently provides a table that show number of bills introduced and the percentage of bills enacted across the states. No publication captures the other categories consistently.

ANALYZING OKLAHOMA LEGISLATIVE SESSIONS

Table 3 does tell us a few interesting things about the Oklahoma Legislature. As pointed out above, over 80% of the bill introduced either die in the first committee or they become law. Less than 20% of bills end the session in one of the other 5 categories.

There are interesting differences between the House and Senate in Oklahoma. The House has 101 members. They introduced between 1561 and 2023 bills in the sessions studies. The Senate has 48 members. They introduced between 863 and 1105. That is about 55% of the number the House introduced. The number has steadily increased between 2017 and 2021 in both chambers.

More importantly, the House kills over 70% of its bills in the first committee. This generally happens when a bill is does not get a hearing before the first four week deadline for committee work. The Senate kills a little over half of its bills this way. This leaves both chamber with a much more equal number of bills after the first deadline. In 2021 it was 550 in the House and 544 in the Senate.

Very few bills die on the first chamber floor. In the House it was about 6.5%. In the Senate it was about 7.6%. Most of these bills were left on the calendar by the floor leader and not brought to a vote.

In 2017 and 2019 the Senate killed more House bills in the Senate committees than the House killed Senate bills in committee. However, in 2021 these numbers were closer.

On the second chamber floor the Senate killed a lot more House bills than the House killed Senate bills. In 2021 the Senate killed 9.9% of House bills and the number has been increasing. The House only killed 2.1% of Senate bills on the House Floor in 2021. Very few bills end the session in the resolving amendments stage or on the governor's desk.

The overall batting average (Cain and Kousser 2004) for the Oklahoma Senate in 2021 is almost twice that of the House. In the three years, studied over 24% of Senate bills became law and the trend was increasing. Only about 13% of House bills became law. Because the House introduced almost 40% more bills it works out that each chamber enacted about the same number of bills, 717 for the House and 719 for the Senate. Of course, the House has twice as many members. So, per capita Senators were more successful than Representatives.

These statistics only cover three legislative sessions. It may be that these recent trends in the Senate's favor reflect the politics between

current leaders and very little else. The institutional arrangements have not changed in any significant way and the numbers overall have been relatively consistent.

NEXT STEPS

This project demonstrates the need for a common vernacular to describe the progress of a bill across states and across time. This common terminology will benefit legislators, advocates, journalists and other observers. A well specified measure will create a tool that political scientists can use when studying legislatures, legislation or the diffusion of innovation.

The current discussion centers around three categories – not considered, under consideration or enacted. This project proposes an eight category ordinal measure that brings greater specificity to the under consideration category. These six categories are developed by examining how the progress of a bill is publicly reported on the websites of eight state legislatures. In these states as many as 57 entries are made in the legislative *Journal* to report the progress of legislation. Using the report phrasing, these 57 steps are collapsed into seven activity categories.

The result is a measure that well describes the progress of a bill in all eight states. It also worked well across time when tested in Oklahoma. The measure produced interesting trends when used to analyze the performance of the Oklahoma House and Senate.

This measure can be used in a number of ways by future researchers. It could be used by those who study the diffusion of innovation to further specify their models. They tend to focus on enactment dates. Adding legislative progress to the model may reveal useful trends. The measure can be used by those comparing legislative performance across states, across time or across chambers. It can be used by those comparing specific legislators' batting averages, further specifying their models. As a dependent variable it can help build models that explain why some policy concepts get farther

along in the process than others.

The common discussion among legislators, advocates, journalist and others suggests that a bill that "got farther" in the process this year than it did last year is "closer" to becoming law in the future. Is that really true? This measure may answer that question.

SOURCES

Boehmke, Fredrick J. 2009. Approaches to Modeling the Adoption and Diffusion of Policies with Multiple Components" in State Politics and Policy Quarterly, 9(2), 229-52.

Callaghan, Timothy, Karch, Andrew, and Kroeger, Mary 2020. "Modern State Legislation and Interstate Tensions over the Affordable Care Act, Common Core, and the Second Amendment," *Publius,* 50(3), 518-39.

Cain, Bruce & Kousser, Thad. 2004. *Adapting to Term Limits: Recent Experiences and New Directions.* San Francisco: Public Policy Institute of California.

Clark, Jill 1985. "Policy Diffusion and Program Scope: Research Directions," *Publius,* 15(3), 61-70.

Collingwood, Loren, El-Khatib, Stephen O., & O'Brien, Benjamin G. 2019. Sustained Organizational Influence: American Legislative Exchange Council and the Diffusion of Anti-Sanctuary Policy. *Policy Studies Journal*, *47*(3), 735–773.

Gray, Virginia 1973. "Innovation in the States: A Diffusion Study," *American Political Science Review,* 67(4), 1174-85.

Mooney, Chris Z. 2001. "Modeling Regional Effects on State Policy Diffusion." Political Research Quarterly, 54(1) 103-24.

Mossberger, Karen 2000. The *Politics of Ideas and the Spread of Enterprise Zones.* Washington, DC: Georgetown University Press.

The Council of State Governments. 2019. *The Book of the states*.

Walker, Jack L. 1969. "The Diffusion of Innovations among the American States," *American Political Science Review,* 63(3), 880-99.

Walker, Jack L. 1973. "Comment (on Gray)." *American Political Science Review,* 67(4), 1186-91.