

STATE NET® THOUGHT LEADERSHIP SERIES

Why Some State Legislatures Pass More Bills Than Others—and Why It Matters

Some state legislatures pass far more of the bills they introduce than others. The reasons for that disparity aren't easy to discern, but understanding how those factors shape passage rate patterns can be critical for organizations seeking to comply with the laws or engage in the lawmaking process of any state. That knowledge is the foundation of the industry-leading State Net analytics.

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Bill Passage Rates All Over the Map

On average, the nation's 50 state legislatures pass about 20% of the bills they introduce each biennium. But individual state passage rates actually range from less than 5%, as in Minnesota and Missouri, to over 60%, as in Utah and Idaho. The variation extends to key decision points within each state's legislative process, such as when a committee in a bill's initiating chamber votes on whether to approve the bill or when the bill comes up for a floor vote in the opposite chamber.

Diversity Built Into State Legislative Processes

The short answer to why some states' bill passage rates are so much higher than others is that they are built into the legislative processes. To some extent it's the result of state constitutions, statutes and chamber rules that dictate everything from the size of each state's legislature, to the number of committees used to evaluate legislation, to the length of the legislative session.

But the impacts of those formal codes aren't entirely straightforward. For instance, passage rates are generally higher in states with shorter legislative sessions, like Utah, where the regular session lasts just 45 days. But California's Legislature also has a high passage rate and meets virtually year-round.

What's more, passage rate patterns appear to be significantly influenced by unwritten behavioral norms and traditions that are passed along from one generation of lawmakers to the next, some of which seem to defy reason. In Massachusetts, for example, nearly all bills are passed out of committee in their originating chamber, even some that receive "do not pass" recommendations. But only a small percentage of those bills go on to obtain favorable votes on the floor.

Passage Rates Key to Forecasting Legislative Action

Despite their diversity and complexity, passage rate patterns remain highly consistent from session to session. Over the last four bienniums they've varied less than 2%.

"We were genuinely surprised to find how rigidly each chamber adhered to its own particular passage rate

pattern,” said State Net Data Scientist W. Mark Crain. “The deviation over the four biennial session cycles is incredibly small.”

Crain notes that because of that consistency, “historical passage rate patterns provide a strong foundation for predicting future bill outcomes.”

Key takeaway: The knowledge required to determine which bills are more or less likely to pass—and consequently, to better prioritize the allocation of legal and government affairs resources—isn’t easy to come by.

Legislative Analytics Driven by Knowledge

State Net has built predictive models for every state legislative chamber that take into account the unique aggregation of formal rules and informal practices that shape the passage rate pattern in each of them. Drawing on decades of legislative activity and employing machine learning to prioritize the

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factors that carry the most weight at any given point in a state’s legislative process, the models power analytics that provide critical insights about pending legislation, such as the likelihood of a bill passing its current legislative stage or whether it is moving faster or slower than usual. By simply accessing these tools, users gain the benefit of the extensive State Net knowledge of state legislative processes, helping them make more informed, data-supported decisions.

Be on the lookout for more thought leadership from State Net.

About State Net®

State Net offers government affairs and compliance professionals a comprehensive data source and analytical tools to monitor government activity from beginning to end for the federal government, all states, territories, localities and the District of Columbia. This enables users to cut through large volumes of data to get the most current, relevant and reliable information on government activity to evaluate impacts to their business and move more decisively.

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Much of the information in this article is based on research conducted by State Net and W. Mark Crain, William E. Simon Professor of Political Economy at Lafayette College, and a leading authority on quantitative analysis of government activity.

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