HOW TO TRACK STATE LEGISLATION

Understanding the process.
Talk to people who have been asked to track legislation at the state level and the stories that emerge are similar.

There’s usually some mild panic, as images of grade-school civics class and School House Rock bubble up. Then, the search for resources begins, with the realization that there’s a heavy learning process ahead.

At CQ Roll Call, we want to help you with that process. And we want to provide some of those resources. For years, we have provided StateTrack, which professionals use to follow bills in all 50 states. And our reporters at CQ cover important state-level news. In talking to our customers, the need for a primer on how to begin tracking state legislation became clear, and so this paper was born.

Our goal is to explain generally how state legislatures work, how bills are considered and how you can begin understanding and tracking this legislation. For the purposes of learning, we’ll assume you know nothing about the state and are tracking a single piece of legislation. We’ll explain how to gather basic information and develop the story behind the bill, how to gain an understanding of the process, and how to develop the capability to monitor legislative efforts and report on them within your organization. We’ll also address how you can grow into more professional tools when the time comes.

If you are new to state legislative tracking, our hope is that this is the paper that gets you on your way. If you are training someone new, we hope this represents a solid education tool. Whatever your goals, we hope this information helps.
UNDERSTAND THE SYSTEM

The first thing to do is to understand how bills become laws. Does it really work the way most of us were taught in school or by Saturday-morning cartoons? Yes. And no.

We were taught the basics in school, and they generally hold true, both at the state and federal level. They describe a system free of politics and outside influence in which bills are introduced, debated in committee, passed on the floor of both chambers and then signed by the executive branch. Unfortunately, we were left to learn the details and complexities on our own, and they change the picture in ways both large and small.

So let’s start at the very beginning.

The system in most states roughly models the federal system, at least in terms of the broad strokes. At the federal level, we have a president representing the executive branch. In all 50 states, there is a governor. At the federal level, we have a bicameral legislature, meaning there are two chambers of Congress: the House of Representatives and the Senate. Forty-nine states also have a two-chamber system (Nebraska has a one-chamber legislature). At the federal level, the House and the Senate are collectively referred to as Congress. In the states, the legislative branch is often referred to as the legislature or the General Assembly.

If you don’t already know, get the basics on your state. Find out how many lawmakers are in the House and Senate and which party controls each chamber. Read the governor’s biography — commonly available on their website — to find out their background, party affiliation, how long they have served and whether and when they face reelection. Do the same for major legislative leaders, such as the House Speaker and the Senate President. This information will begin to weave into a story that explains the climate in which bills are considered. We’ll add to that story as we go.
EVERY STATE IS DIFFERENT

The analogy between Congress and state legislatures only goes so far. Every state operates under a different set of rules and procedures, some of which you will need to learn in order to track effectively.

For example, members of Congress are considered full-time legislators, and they cannot hold other employment. These lawmakers do their business in a two-year session, which is punctuated by a great many breaks and recesses. Legislative leaders in the House and Senate control the calendar, which is subject to change throughout the year.

In the states, these things can vary widely. While some states have full-time lawmakers, others have a part-time legislature in which lawmakers serve during session and then return to their professions back home. Some states have lengthy sessions. Others meet for only a few weeks or months. Many states can also have special sessions to deal with specific issues, such as the budget or the response to a natural disaster.

You’ll want to get a calendar that shows the specific days the chambers in your legislature are in session. The fact is that session time means a great deal in the states, because it dictates how much time lawmakers and the governor have to get business done. A short session often means a compressed timeline — and far faster legislative action. As a rule, states move fast. They have large amounts to do — some of it mandatory — and a small amount of time in which to get it done. The result is a legislative pace that can make Congress look positively glacial.

Another area in which the states can differ widely is the rules that govern how a bill moves, how it is debated, how it is amended and how it is voted upon in each chamber. Legislative procedure is an artform, so much so that most chambers have a parliamentarian whose job it is to keep the rules straight. The procedures used in your legislature are often based on rules that are decades old — sometimes far older — and they can be manipulated by one party or another to gain advantage. Just like a football coach can implement a game plan to keep the opposing team off balance — speeding up the game, slowing it down or calling trick plays — legislative leaders can control the action in committee or on the floor to favor their legislation.
As a tracker, you do not need to know all these rules. That would be a very tall order. Rather, what you do need is a source who can, when the situation calls for it, explain to you in plain language what is happening and why it is legal. A source like this — perhaps from a watchdog organization or political group — can be invaluable when procedures get tricky (CQ Roll Call employs former state legislation trackers as account executives for this very reason). We’ll talk more about human sourcing later.

What you need to understand now is that the procedures are somewhat different in every state and that they can be manipulated by the party controlling the chamber to gain an advantage. But before we can understand deviations in the process, we must first understand how that process works when it is functioning normally.

We all know Congress is gridlocked, but the states certainly aren’t. Can you guess the number of bills passed in statehouses versus on Capitol Hill this year so far*?

**The States:** 19,313  **Congress:** 150

*January 1 to April 25

Staggering, isn’t it?

Do You Know How We Know?

*We keep track of it in StateTrack, so we never miss a bill.*
HOW BILLS MOVE

If a bill is moving in a standard fashion, what Congress calls “regular order,” it will be introduced by a lawmaker or a group of lawmakers. These are the primary sponsors. They may or may not be involved in the actual writing of the bill, which is often left to staff. But they will often be the bill’s biggest cheerleaders and they sometimes will help manage it, if it gets taken up and moved through the system. And that’s a big question.

Not all bills get taken up — not even close. There are tens of thousands of state bills introduced nationwide each year. They cannot all be acted upon. And nobody expects them to be. Rather, many of these bills are introduced by lawmakers who want to make a point, who want to get out front on an issue or who want to show their constituents that they are active on an issue or represent a certain position.

Who determines which bills are debated? Legislative leaders do, the top shot callers in the majority party in each chamber. Often, this is a House Speaker, a Senate President, or a Majority Leader. The governor can also hold sway, if their party controls the chamber. So can the chairman of a committee, who controls which bills his or her panel will address. The leaders of the minority party also have some influence, though how much pull they have can vary substantially. In a chamber where the majority holds a wide margin, the minority may have very little power. In chambers where the margin is tight, and minority support is required to get bills passed, they may hold far more influence.

Overall, the making of legislation is far less linear than we were taught in school. Generally speaking, bills can be introduced in either chamber or in both simultaneously (there are sometimes exceptions to this, such as the requirement in Congress that revenue bills start in the House and pass through the Ways and Means Committee). Bills can then move through one chamber and on to the other. Or, they can move through both simultaneously. The pathway is determined by the politics in your state and in each chamber. For example, if a bill is working its way through the House, Senate leaders may decide to wait for the House to deliver that bill before they start their work. Or they may decide to pursue their own bill, which could contain the same provisions as the bill in the House or could be substantially different.

Ultimately, both chambers have to pass the same legislative language for it to be sent to the governor’s desk to be signed into law. But they have many different paths to get there.
THE COMMITTEE PROCESS

In some states, legislative leaders can bypass the committee process and bring bills straight to the floor. But in most cases, bills will have to navigate the committee process in order to become law.

Most bills start life assigned to a committee, and often they simply stay there, with no action. If a bill is moving, the first step might be for a committee to hold hearings on it. Here, people will be called to testify for or against the bill, selected by both the majority and minority on the committee. They are often professors and experts of various kinds, chosen for their experience or research. Because most bills that move have at least some majority-party backing, and the majority generally controls the committee, it is common for “witnesses” in favor of the bill to outnumber those opposed. But every hearing is different. Hearings give lawmakers a chance to question witnesses; introduce information, such as studies or statistics; comment on legislation; and debate with one another.

These hearings create a legislative record for the changes the bill will bring, leaving a trail of testimony and facts to support or oppose action on the bill. Often, they also argue for changes to the bill, which can be made via amendment later in the process. How many hearings are held, how many witnesses are called, how many support and oppose the bill and what lawmakers themselves say in these hearings can reveal a great deal about a bill’s future.

As the bill travels through the system, several other things happen. Along the way, lawmakers may sign on as co-sponsors, indicating their support. The number of these co-sponsors and their partisan makeup can be an indication of how the bill is faring. If the bill is important, various parties will also start releasing analysis. And these can be important, both to your understanding and the bill’s future.

Legislative language is tough to read, even for lawmakers. So it is common for all kinds of interests to provide analysis in plain language, each putting their own spin on the bill.

See Terms State Trackers Need to Tackle

Does Co-Sponsorship Matter?

Lawmakers like to tout the number of co-sponsors as a measure of a bill’s support, but does that matter?

Well, it’s an indicator — and nothing more. Bills with many co-sponsors do tend to have support, but the partisan makeup of those co-sponsors is something to watch.

Also, a lack of co-sponsors does not always mean a bill is destined for doom. It may be a topic that lawmakers do not want to associate with beyond a vote. Or the bill may be moving fast and its backers decided to forgo co-sponsorship.
Legislative language is tough to read, even for lawmakers. So it is common for all kinds of interests to provide analysis in plain language, each putting their own spin on the bill. For example, both the majority and the minority staffs on the committee might release an analysis, which is often a good indicator of where each side stands. Other parties may, too. For example, if the governor has a strong position on the bill, his or her office may release an analysis. Government agencies may also be asked to “score” the bill, to forecast its impact on various state interests, such as the budget or employment numbers.

Outside interests may also begin lobbying for or against the bill, and this can have a major impact. For example, an education bill that increases a charter school program is likely to draw commentary — if not outright support or opposition — from state and local teachers’ unions. This may be as simple as a press release and a legislative analysis. Or it may be as complicated as a television advertising campaign and rallies on the capitol steps for or against the bill. All of these strategies can impact the legislation because lawmakers will care to varying degrees what these groups think.

Crossover Days

One date to be aware of is crossover day.

Some states have deadlines by which one chamber must have a bill passed in order for it to be considered by the other. If your state has one, mark it on your calendar.

This is a date that the bill’s supporters will be watching very closely.

Did You Know?

StateTrack covered jurisdictions have introduced **24,082** Education bills and resolutions so far* this year.

**2,592** Education bills and resolutions have been passed by the legislatures in that same time period.

*January 1 to April 25

Do You Know How We Know?

*We keep track of it in StateTrack, so we never miss a bill.*

Ready to take what you’ve learned and apply it? Do it with State Track.   [cqrollcall.com/statetrack]
When it comes to analysis, don’t be picky — read them all. Do not get into the habit of reading only one, partisan analysis, even if your organization is aligned with that point of view. You want to read everything there is, from all points of view, and then draw your own conclusions.

When it is ready to proceed, the committee will schedule a “markup” on the bill. This is where lawmakers will debate the legislation and vote on any amendments that are allowed. Provisions are often added and subtracted to increase support. The entire process is generally tightly controlled by the chairman and the bill’s manager (often the primary sponsor), with input from the ranking member of the minority party, and it can be a major indicator of the bill’s future. How many amendments are offered, the content of those amendments and the vote on each is worth watching for signs of a change in the bill’s momentum.

Ultimately, the committee members will vote up or down on the bill and that vote is often the single best indicator of how the legislation will fare on the floor of the chamber. Obviously, a vote against the bill stops it in its tracks. But a vote to “report” a bill out of committee offers clues. A unanimous supporting vote bodes well. A split vote, be it along party lines or some other division (rural and urban, for example) shows what the bill faces on the floor, and where its supporters will have to focus their attention.

When the bill reaches the floor of the full chamber, the action is similarly controlled. The overall amount of time for debate, the time each lawmaker gets to speak, the number of amendments that can be offered and other variables will all be set in advance according to state law and the decisions made by legislative leaders. Depending on many factors — including who is aligned for and against the bill, and how closely you need to track it — these elements may or may not be important to you.

Know that by the time a bill reaches the floor, its fate is often well known, or at least well defined. In fact, you’ll often see news organizations report that a bill is “expected to pass” or “expected to fail.” The reason is that few legislative leaders will put a bill on the floor without knowing a “nose count” on the vote. Both the minority

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**Helpful State Organizations**

For those who follow state issues, there are a number of organizations that can be helpful:

**The National Conference of State Legislatures** offers tools to the legislatures themselves and can be a great source of information and expertise.

**The National Association of State Budget Officers** is a professional association for state budget and finance officers. It conducts research, analysis and education.

**The National Institute on Money in State Politics** is a non-partisan, non-profit that collects and analyzes campaign finance and lobbying data.

**The National Association of Attorneys General** supports state attorneys general and promotes interaction among its members.

**The National Governors Association** is a bipartisan organization for governors that allows them to share information and speak collectively on national policy.

**The Democratic Governors Association** supports Democratic governors and participates in campaigns.

**The Republican Governors Association** supports Republican governors, both in campaigns and in office.
and the majority will count votes, negotiate, bargain, cajole and pressure for weeks in advance. This is another time when provisions are added and subtracted to gain support or eliminate opposition. If one party is pushing the bill hard, it is often referred to as “whipping the vote.” In fact, many chambers (including Congress) have a Majority Whip and a Minority Whip position, lawmakers who are in charge of these vote-counting and vote-gaining operations.

That final vote is a big fork in the road. If the bill fails, it dies there. If it succeeds, it moves to the next round. That round could be that it is sent to the other chamber, which can then act on the bill. Or, if that chamber has a bill of its own, the two chambers may form a Conference Committee made up of members from both. That committee’s job is to reconcile the two bills and report out compromise legislation. That compromise bill must then be approved on the floor of each chamber.

Did You Know?

StateTrack covered jurisdictions have introduced **11,015** Budget bills and resolutions so far* this year.

**1,574** Budget bills and resolutions were signed/enacted by the jurisdictions.

*January 1 to April 25

**Do You Know How We Know?**

We keep track of it in StateTrack, so we never miss a bill.
HOW TO START TRACKING

To begin tracking any piece of legislation, start with the bill number. These are usually a series of letters indicating the chamber and the type of action, and a number indicating the sequence in which it was introduced. For example, a hypothetical S.B. 217 indicates the 217th Senate Bill introduced that session. H.R. 522 indicates the 522nd House Resolution introduced that session. You get the idea.

The name of the bill and the summary legislation may or may not be helpful in indicating what exactly the bill does. Often, it is not. To use a federal example, what would you think the Patriot Act does? You can, of course, read the text and get the basic idea. Long-time tracking pros who know their issues well can read and dissect bills quickly. But legislation is written in turgid, legal language that can be tough to understand when you are starting. Often, you’ll be relying on news stories, bill analysis and human sources.

To that end, you’ll want to start identifying media sources that cover your bill immediately. Look to state and local newspapers, blogs, wire services and television outlets first. Then, look for specialty publications, both in the state and nationwide. See if interest groups — both supporters and opponents — are following the bill and have released analysis. In fairly short order, you’ll have a tidy checklist, which you can look in on every day and add to as you go. Only handy way to organize this is as a Twitter list, which makes it easy to monitor, so long as your sources are active tweeters.

As you read, go back a ways into the clips. Discover what has happened to similar state bills in the past and why. Also, keep tabs on who is covering your issue, identifying specific reporters in your state and nationwide who cover the issue. Add them to that Twitter list and follow their stuff. Similarly, you can follow the bill’s main sponsors and its main opponents, as well as others who track this type of legislation. For example, if you are following a marijuana bill, the Marijuana Policy Project also tracks state marijuana bills nationwide. Just make sure you understand the point of view of the organization you are following.
Of course, you’ll also be tracking the bill itself. If you live near the capitol, you could attend hearings and markups yourself. While its excellent training, it is also time consuming and inefficient. More often, you’ll be tracking from afar.

To track your bill, get familiar with the state’s legislative tracking site and use the bill number to follow your legislation as it moves through the system. Most states have a web-based tracking system of some kind, and they vary in quality. For single-state and single-bill trackers, this is often the best bet.

However, as you no doubt understand by now, bill tracking as a DIY effort can only get you so far. If you are tracking a handful of bills in one state or on one subject, you may well get by with free, public news sources and the state’s legislative tracking site. But if your portfolio grows at all, you may find it hard to keep up.

At that point, you should reach for a professional tool. They cost some money — how much depends on what you buy — but they also greatly enhance your capabilities to track multiple bills in multiple states. The good ones — of course, we are partial to StateTrack — are customizable, allowing you to search by keywords to focus on exactly what you want to see and providing that information in email updates right to your inbox.

A professional news tool can also be helpful, whether that’s a media monitoring service or a product that focuses on state news.

Finally — and this is one of the great secrets of legislative tracking — there are human resources to tap, people who can help you make sense of what is happening in real time. Like a reporter, you too can cultivate sources. For example, a parliamentary expert in your state can be golden when the legislative action starts to get complicated. They might reside at a policy institute or interest group. Or perhaps they are a retired parliamentarian for the legislature. Give them a ring and take them to lunch. The advice you get — now, and later — will be worth the awkward phone call.

And that holds true for many people who can be helpful: Analysts who are following your bill; communications directors in legislative offices; and even professional legislative trackers who have been doing this longer than you have. The key is to act like a reporter and contact them before the crunch time hits. If you build those relationships early, your call will be the one they return when the bill is on the floor.
AFTER FINAL PASSAGE

Remember that final passage is not ever the end of your bill’s odyssey. It must be signed or vetoed by the governor, and he or she often has only a set amount of time to act, which varies state by state. The legislature is then generally given a period of time to override the veto, which in some states requires a two-thirds vote of the legislature.

Often, the minute a bill passes and is signed, a court challenge is ready and waiting to go. And those challenges can have a major impact on the law. In some cases, legislation can be voided entirely. In others, pieces of the law may be nullified or changed.

There’s also the implementation of the law to think about. While bills laws are often quite specific in some areas, other areas are often left vague, with lawmakers relying upon state agencies to create regulations that implement the intent of the law. These regulations are rules rather than laws, and they have their own public process. All of these elements, from court challenges to proposed regulation, can be tracked through various public websites and services. It all depend on how deep your organization wants to go.

Did You Know?

StateTrack covered jurisdictions have introduced 131,723 bills and resolutions so far* this year.

17,659 of those bills were passed by the legislatures during that period.

*January 1 to April 25

Do You Know How We Know?

We keep track of it in StateTrack, so we never miss a bill.
State legislatures across the country meet at different times and for different periods. Here are the dates they will convene and adjourn, as of the writing of this paper. But these dates change regularly. For precise information, check [CQ Roll Call’s StateTrack](http://cqrollcall.com/statetrack) or consult the state legislature’s website, which is listed below.

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## CONVENE AND ADJOURN DATES NATIONWIDE

Current as of 12.10.15

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Who’s in charge?
This map shows a breakdown of state legislative composition by political party affiliation.
Who’s in charge?

This map shows a breakdown of governors by political party affiliation.

- Republican Governor
- Democrat Governor
- Independent

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