

STATE NET® THOUGHT LEADERSHIP SERIES

Formal and Informal Differences Among State Legislatures

The nation's 50 state legislatures differ in numerous ways, some of which are formally dictated, while others are unwritten behavioral norms and traditions. These formal and informal variations can pose significant challenges for government affairs professionals. State Net legislative analytics have been designed to help manage them.

Each legislature still introduces and passes roughly the same number of bills session after session. Passage volumes are powerful norms passed along from one generation of lawmakers to the next.

A Host of Formal Differences

New Hampshire's legislature, the General Court, has 424 members. Nebraska's Unicameral has only 49. A few states convene for less than 60 days a year, while others meet for virtually the entirety of each biennium. The Illinois House uses 54 committees to evaluate legislation. Maryland's Senate uses just four. Over a dozen states limit the terms of their legislators, while the rest do not. All of those dissimilarities—and plenty of others—are

the product of formal codes: constitutional provisions, statutes and chamber rules.

Informal Differences That Are “Baked In”

Differences among state legislatures aren't just the product of formal dictates. They're also the result of what State Net data scientist W. Mark Crain describes as “unwritten behavioral norms long baked into a jurisdiction's culture and traditions.”

For instance, only seven of the 99 state legislative chambers impose any limits on how many bills their members can introduce, and none place any controls on how many measures they can pass. Yet each legislature still introduces and passes roughly the same number of bills session after session. Those 99 different—but highly consistent—bill introduction and passage volumes are powerful norms passed along from one generation of lawmakers to the next.

Crain cites a Winston Churchill quote that he says accurately conveys the way unwritten norms and adopted institutional behaviors seem to perpetuate state legislative passage activity over time: “We shape our buildings, and afterwards our buildings shape us.”

Formal and Informal Challenges

The multitude of formal dictates and unwritten norms can come together in ways that impose significant challenges for legal and government affairs professionals. For example, the legislatures in Utah, Virginia and Wyoming meet for just 60 days or less a year and tend to move bills quickly. Those legislatures also pass most of the bills they introduce. So when they're in session, they must be monitored particularly closely.

New York lawmakers, meanwhile, typically introduce about 20,000 bills each biennium but only pass around

6% of them. The Minnesota Legislature's passage rate is even more meager: about two bills out of every 100. So in those states, where the vast majority of bills fail, there's a lot of chaff that has to be sifted through to find the wheat.

Key Takeaway: There's a unique set of formal rules and informal practices in each state that government affairs professionals must be aware of to be truly effective.

Legislative Analytics That Cover All the Bases

State Net legislative analytics encompass the full range of formal dictates and informal practices that shape each state's legislative process, weighted according to their relative influence through the application of machine learning. State Net analytics tools provide users with the information they need to manage the various logistical challenges presented by the nation's 50 statehouses, such as short,

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high-passage-rate sessions and high-volume, low-passage-rate ones. At the same time, these analytics tools normalize all of the statehouse variances, so users can work across multiple states without having to review the idiosyncrasies of each chamber. With State Net, government affairs professionals have access to a robust analytics solution that is unmatched in the industry.

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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