Sources of Legislative Proposals: A Survey
By Rick Farmer

116,000 bills and resolutions were introduced into state legislatures in 2014. Political science has offered general speculation as to the sources of legislative ideas (i.e.: constituents, lobbyist, administration, federal mandates, etc.) but has not measured the frequency of various sources. In Oklahoma legislators are frequently asked in committee or floor hearings “Who requested this bill?” Bill authors are generally candid with their colleagues regarding the source of their legislative proposal. This paper reports the results of a survey where legislators were asked to be equally candid with us in identifying the sources of their ideas. The results have implications for our understanding of influence in the legislative process, including how federal policy makes its way into state law. Results indicate that in Oklahoma many bills are the legislator's own idea.

The most frequent question asked in committee or in session at the Oklahoma Capitol is “Who requested this bill?” The question is posed in various forms, i.e.: “Did an agency request this?” “Is this an industry request?” or less friendly, “Whose idea is this, anyway?” or most common, “Is this a request bill?” Generally, bill authors are very candid about the source in these public forums.

Political scientists have spilled much ink exploring modern sources of legislative influence. However, no attempt has been made by political science to quantify the sources of legislative ideas. This study surveyed the members of the 55th Oklahoma Legislature and ask one simple question, “We would appreciate you being equally candid in answering for us the question, ‘Who requested this bill?’”

The results suggest that many bills come from the members own interests and preferences.

Likely Sources of Legislation
In his book *Heavy Lifting* distinguished legislative scholar Alan Rosenthal (2004) identifies several sources of legislative proposals. While the list is educational to students wanting to understand the legislative process, no attempt is made to quantify the sources. He includes:

- **Longstanding proposals** – These are ideas that have been around for years but have not made it into law, such as law suit reform.
- **Constitutional requirements** – These are bills that the legislature is required to pass on regular basis, such as budget bills or redistricting.
- **Judicial requirements** – These are bill responding to judicial orders, such as Oklahoma’s Pinnacle Plan. The Pinnacle Plan was developed to respond to judicial demands to reform the state’s welfare department.
- **Administration bills** – These are bills requested by the governor or state agencies.
- **Constituent bills** – These are bills in response to constituent concerns or requests.
- **Local bills** – These are bills requested by a government authority within the member’s district.
- **Interest group bills** – These are bills from associations like MADD, NRA or NFIB.
- **Initiative bills** – These bills are a response to rising concerns in an attempt to head off a potential citizen’s initiative. Initiative proponents frequently threaten extreme action. Legislators respond in an attempt to develop a more reasoned approach. Currently, several bills are pending in Oklahoma intended to head off an initiative petition that would mandate a teacher pay raise.
- **Legislators’ own ideas** – These are bills that legislators develop from their own experience in the community and in state government.
- **Nationwide agendas** – These are bills to institute locally a concept that is diffusing across the nation. These might include things like a US constitutional amendment for a balanced budget, or common core education standards.

While this list draws on Rosenthal’s vast experience, it is not comprehensive in that it does not mention response to federal mandates as a source of state legislative proposals and he makes no attempt to measure the frequency of these various sources.

Other scholars have similar lists. In Colorado John Straayer (2000, p. 250) observes, “Most bills evolve from some form of discussion among sponsoring legislators and the citizens, interest groups, lobbyist, local governments, or state agencies that are pushing them.” And, “Sometimes legislators are prompted to introduce bills by some personal experience, or the experience of an acquaintance.” Prompting him to list the following sources: Legislators, businesses, local governments, state agencies, and private citizens, and associations.

Studying California William Muir (1982) notes that bills usually arise from interests including: the governor’s office, local governments or industry associations. Occasionally, ideas came from constituents or the legislator themselves.

To help new legislators understand the job they are about to begin, the Oklahoma House of Representatives produces a *Legislative Manual* (2015). That publication tells new members to expect the following:

There will be a number of outside parties interested in having members introduce legislation on their behalf. These include administrative officials, constituents, lobbyists, and various interest groups. In many cases, they will have bills in draft form already prepared to present to members to see if they will introduce the legislation. These measures are sometimes referred to as “request bills.” Other bills come from a member’s committee.
work, staff research, or programs in other states. Many bills are in response to federal legislation or federal agency rules.¹

A local Oklahoma think tank, the Oklahoma Policy Institute (2015) developed a Legislative Primer to help average citizens understand the legislative process. They suggest legislative ideas come from the following:

- Request of a government agency or local government
- Request of an interest group
- Request of a constituent
- National model legislation
- Governor
- Legislator’s interest
- Interim Study

These lists have many common elements and represent a general understanding of where legislation germinates. Of all of these lists only the Oklahoma House of Representatives’ Legislative Manual identifies federal mandates as a likely source of legislation.

These lists do not indicate which of these sources are more prominent than others. Although this critical information is readily available in public hearings in several states, it is not widely published and political science has not attempted to quantify the sources of legislative ideas.

In California each piece of legislation is accompanied by a bill report. The report asks the author to identify sponsors. By sponsors they mean groups who requested or are endorsing the bill. In 2010 the San Jose Mercury News examined 4865 bills filed in the 2007-2008 California legislative sessions. They found that 39% of bills had sponsors. The definition of sponsor in the California case is similar to Oklahoma’s less formal definition of request, it includes government agencies, the governor, special interests, etc. So, one possible conclusion from this study is that about 40% of filed California legislation are request bills of some sort. However, in California “sponsors” are frequently recruited after a bill is drafted and already in the committee process. So, in fact this California measure is not a good indicator of where the idea began, rather it is a measure of who supports the proposal. They did find that every member of the legislature except one carried sponsored legislation and that about half of sponsored bills (that is bills with publicly identifiable supporters) became law while only about one fifth of non-sponsored bills were successful.

Complicating the reliability of Mercury News’ measure were the results of a subsequent study of the 2013-2014 sessions by KQED News. Only 15 percent of bills in the California Legislature reported a sponsor in the second study. According to KQED members in California became far less candid about identifying sponsors after the Mercury News headlines. “One Democratic legislator’s chief of staff, who did not want

¹ Italic added.
to speak publicly, said the lesson learned by the Capitol community from the 2010 news coverage was: stop identifying so many bills as having sponsors" (KQED 2015).

Unfortunately, these reports from California provide little insight into how a legislator decides what bills to introduce. They do suggest that good ideas will attract visible support and that bills with identifiable support are more likely to become law.

**Methods**

This current study takes a different approach to categorizing the sources of bills than the California reports. The strength of their efforts was that they used a public record that was available for every bill. The weakness was that they relied on the candor of elected officials who were likely to be personally criticized for their responses. Here we promised members anonymity in addition to taking advantage of their very common candor with one another.

A survey was created for each Representative and Senator in the 2015 Oklahoma legislative session. The survey was mailed from a local university to each of their offices twice. The survey listed each of their introduced bills and asked one simple question, “Who requested this bill?” A sample survey is included as Appendix 1. Members were given a check list of likely responses with an option for other and space for comments. Drawn from the lists above the check list included:

- My own idea
- A constituent of my district
- My caucus leadership
- The Governor
- A state agency
- A trade association
- The industry
- A lobbyist
- It is model legislation from a national legislative group
- Other

In addition to mailing the survey, four members were interviewed in their office. And information was collected at one Senate Judiciary Committee meeting, where members frequently quizzed one another with the question, who requested this bill?

The sample size is relatively small and may not be representative of the whole at 396 bills out of 2291 bills introduced in 2015 or 17 percent. Respondents volunteered to participate and may not represent those who chose not to complete the survey. And, the April 7, 2015 Senate Judiciary Committee hearing on House Bills may introduce some bias. However, as seen in Table 1 comparing survey statistics to population parameters suggest the sample is representative on several parameters.
<table>
<thead>
<tr>
<th>Table 1: Comparison of Survey Respondents to Legislator Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondents</td>
</tr>
<tr>
<td>Republicans</td>
</tr>
<tr>
<td>Senate</td>
</tr>
<tr>
<td>Approved</td>
</tr>
</tbody>
</table>

Although for clarity a single response would have been preferred, on the survey members frequently checked more than one box and wrote many comments. In coding the surveys each of the responses were included. When the comments indicated a clear choice that was not checked it was added to the selections. For example, if a member wrote, “The idea has been floating around a long time. I like it so I decided to introduce it.” Then, that member checked “other.” The data were coded to include his choice of “other” and “my own idea” as indicated from the comments, since the proposals was not a request bill from any other source.

The “other” option and the comment section gave rise to several additional coded categories. For example, members wrote that some ideas came from a friend or acquaintance or public official, not living in their district, who came to them with a concern. Ultimately the numbers were small enough that they were collapsed into other categories, but the phenomenon is worth exploring in future work.

An important distinction must be made between the origins of a legislative idea and the source of a legislative proposal. “Origin” suggests the beginning of a thought. With legislation that may be a philosophy or a national mood. Perhaps it is an idea that has been around for years or a policy that is diffusing across the country. “Source” in this paper is limited to who proposed to a specific legislator the concepts in a specific bill. Sometimes it is difficult to distinguish between the origin and the source and on the survey instrument some bill authors expressed origins in their comments. This analysis is limited only to sources. The goal here is to identify who proposed the idea.

**Actual Sources**

In what may be a surprising result to many observers, the largest number of bills were reported to be the idea of the author. Table 2 identifies the number of bills with a specified source. Again, because many bills were reported to have more than one source the total does not equal the overall sample size of 396. The table displays the percentage of the overall sample identified with each source and it shows the percentage of bills in each category that were enacted into law.
Table 2: Sources of Legislation

<table>
<thead>
<tr>
<th>Source</th>
<th>Number</th>
<th>% of Sample</th>
<th>% Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>My own idea</td>
<td>145</td>
<td>37</td>
<td>21</td>
</tr>
<tr>
<td>A constituent of my</td>
<td>127</td>
<td>32</td>
<td>16</td>
</tr>
<tr>
<td>district</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A state agency</td>
<td>60</td>
<td>15</td>
<td>48</td>
</tr>
<tr>
<td>A trade association</td>
<td>29</td>
<td>7</td>
<td>34</td>
</tr>
<tr>
<td>The industry</td>
<td>28</td>
<td>7</td>
<td>21</td>
</tr>
<tr>
<td>A lobbyist</td>
<td>16</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>Model legislation</td>
<td>11</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>My caucus leadership</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>The governor</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>81</td>
<td>20</td>
<td>-</td>
</tr>
</tbody>
</table>

While the largest percentage of bills in the sample were Own Idea (37%), they were only moderately successful (21%). The most successful bills came from state agencies (48%). In the sample, ideas from the governor and the caucus leadership were not successful at all. The governor’s bills in the sample were all carried by members of the Republican majority. Three of the ideas coming from caucus leadership were carried by majority Republican House members.

Generally, state agency bills include technical tweaks to current statutes, reforms desired by the agency leadership and responses to federal mandates. This is not to suggest that 48% of proposed legislation in response to federal mandates passed in Oklahoma in 2015. It is to say that federal mandates are in the mix of bills with a 48% passage rate and are otherwise indistinguishable in the survey. In fact, in the sample of 396 bills one author indicated his bill, requested by the governor, was designed to meet a federal mandate. That bill was not successful. Another author indicated she asked to have her Own Idea bill withheld because of concerns it would jeopardize a federal education waiver. Clearly, federal policy shapes legislative proposals in Oklahoma and it affects the disposition of some bills.

Progress Before Demise

The overall success rate of legislative proposals in 2015 was 19 percent. The Oklahoma Legislature works on a two year cycle so almost every one of the 1852 unsuccessful bills in 2015 regained life when the legislature began its work again in February, 2016. Typically Oklahoma legislators leave the old bills aside and introduce new ones each year. So the progress of a bill is significant because although it is unlikely it is possible that a bill will advance in the upcoming session.

A more significant aspect of a bills progress is the fact that many proposals, including several in the sample, have been floating around the Capitol for years hoping to get some traction. The progress of a bill in 2015 is an indicator of its potential to become law in a future year.
The Oklahoma Legislature publishes a bill history on its website for each bill introduced. That history indicates all actions on a bill making it easy to identify the last action taken. A simple but meaningful measure of a bill’s progress is the last official reading. The Oklahoma Constitution requires each bill to be read three times in each chamber. On first reading a bill is introduced. On second reading it is usually assigned to a committee. On third reading there is usually a floor vote. These readings are then replicated in the opposite chamber. On fourth reading there is usually a floor vote on a conference committee report. These readings provide an easily identifiable indication of how far a bill progressed, although the exact details can become very complex.

The readings are an important benchmark but they are not exact. The legislative process takes a lot of twist and turns. It includes several exceptions to the norm. For example, almost every bill that is 2nd read is assigned to committee—not 100 percent. The vast majority of bills that died at second reading were assigned to committee and never given a hearing by the chairman. In fact, 60 percent of all introduced bills never made it out of the first committee. A few of those bills may have failed on a vote in committee. A few bills passed out of committee but were not granted a hearing by the Floor Leader. So, bills that died on 2nd reading could be at several different stages of progress. However, we do know that they died somewhere between being assigned to committee and being called up for a vote on the floor. This is a wide window but it is a distinct window that clearly indicates the limits of a bill’s progress. Generally, it indicates that a committee chairman never called for a hearing on the bill.

Similarly, bills that died after 3rd reading generally died on a floor vote. It is possible they were called up for a vote by the floor leader then withdrawn before the vote. If the 3rd reading was in the second chamber the bill may have died in the conference process without being called up for a fourth reading vote.

While these readings are not exact indicators of all of the details that happened to a bill, they are easily identified and strong benchmarks of a bill’s progress. Table 3 shows the progress of the unsuccessful Own Ideas in the sample using these indicators. It counts the number of Own Ideas that died at each stage of progress and it shows the percentage of unsuccessful Own Ideas from each chamber that died at each stage. The table also interprets the reading stage in a legislative football metaphor (See Farmer 2015) to provide another indication as to the bills progress. Finally the table describes the final step for most bills in each category.

Among unsuccessful Own Ideas, 69 percent died in the chamber of origin most likely without a committee hearing. In terms of Legislative Football they died on the 20 yard line. Another 25 percent of House Own Ideas did not survive the Senate committee. They died at the 50 yard line.
Table 3. Last Hearing for Own Ideas that Failed

<table>
<thead>
<tr>
<th>Last Reading</th>
<th>Football</th>
<th>Location of Action</th>
<th>Number</th>
<th>% HB Own Idea</th>
</tr>
</thead>
<tbody>
<tr>
<td>House Bills</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>House 2\textsuperscript{nd} Read</td>
<td>Own 20</td>
<td>Died in House Committee or on the House Floor Calendar</td>
<td>33</td>
<td>69</td>
</tr>
<tr>
<td>House 3\textsuperscript{rd} Read</td>
<td>Own 40</td>
<td>Failed House Floor Vote</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Senate 2\textsuperscript{nd} Read</td>
<td>50 YDL</td>
<td>Died in Senate Committee or on the Senate Floor Calendar</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Senate 3\textsuperscript{rd} Read</td>
<td>Their 30</td>
<td>Failed Senate Floor Vote</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>House 4\textsuperscript{th} Read</td>
<td>Their 40</td>
<td>Failed on House Floor after Conference Committee</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Senate 4\textsuperscript{th} Read</td>
<td>Their 30</td>
<td>Failed on Senate Floor after Conference Committee</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Senate Bills</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senate 1\textsuperscript{st} Read</td>
<td>Own 20</td>
<td>Died on Senate Calendar Without a Vote</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Senate 2\textsuperscript{nd} Read</td>
<td>Own 20</td>
<td>Died in Senate Committee or on the Senate Calendar</td>
<td>53</td>
<td>69</td>
</tr>
<tr>
<td>Senate 3\textsuperscript{rd} Read</td>
<td>Own 40</td>
<td>Failed Senate Floor Vote</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>House 2\textsuperscript{nd} Read</td>
<td>50 YDL</td>
<td>Died in House Committee or on the House Floor Calendar</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>House 3\textsuperscript{rd} Read</td>
<td>Their 30</td>
<td>Failed House Floor Vote</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Senate 4\textsuperscript{th} Read</td>
<td>Their 40</td>
<td>Failed on Senate Floor after Conference Committee</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>House 4\textsuperscript{th} Read</td>
<td>Their 30</td>
<td>Failed on House Floor after Conference Committee</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

The sample includes 3 unsuccessful simple Senate Resolutions that were never assigned to committee. They died on first reading.

Discussion
Over the years political science has speculated as to the sources of legislative ideas but no attempt has been made to measure where legislators get their ideas. Reporters in California examined bill files in that state and determined that 39 percent of bills had a sponsor and that sponsored bills were highly successful. They concluded that the lobbyists were running the Legislature. Unfortunately, their measure of sponsor include bills that the governor endorsed after they were introduced. So, it was not a measure of sources of idea nor was it a measure of lobbyist proposals.

The sample indicates that 37 percent of bills are the author’s own attempt to solve a perceived problem. Thirty-two percent are ideas proposed by their constituents. Lobbyist, trade associations and industry only account for 18 percent of bills in the sample.
The most successful bills were requested by state agencies. Almost half (48%) of their bills were successful. Lobbyist, trade associations and industry were also reasonably successful (27%). The success rate of legislators own ideas (21%) was about average (19%). Constituent bills were a little less successful (16%). Bills from the governor and leadership were not successful at all in the sample.

All of the major state agencies have a set of requests every year. Some of these are major reforms but most are minor tweaks based on issues the agency staff has identified. A cynic could argue that the large agencies have legislative liaisons in the Capitol every day and their success rate suggests that these lobbyists are controlling the legislation. A more realistic perspective recognizes that there are a lot of constituency groups represented in the legislature. The agencies have experience implementing the law and they are often in the Capitol to express their expertise as a counter to the industry lobbyists and other groups. Without the agency’s voice the industry lobbyists really would have freer rein. The sample does indicate that the state agencies in Oklahoma have a strong voice in the give and take of the legislative process.

Proposals designed to meet federal mandates are generally found in state agency bills. This survey does not allow identify bills specifically intended to meet federal mandates. The success rate of state agency bills suggests some federal policy is making its way into Oklahoma law.

When bills are not successful they most often die in committee. That is not news. About 60 percent of bills die at the first committee deadline every year. In the sample of unsuccessful Own Ideas it was closer to 70 percent. Another 25 percent of House Own Ideas died in a Senate committee. That means almost 95 percent of unsuccessful House Own Ideas that died in a committee.

A simple though inexact measure of a bill’s progress is its last reading. This measure could be used to analyze the progress of bills from other sources and the progress could be compared across categories. This would provide some indication as to which sources are getting their bills considered and which ones are only getting their bills introduced.

The story of each bill’s history gets messy. The interesting question is whether or not a bill got serious consideration? For that to have happened the bill needs to get called up by a committee chairman. In Oklahoma, there is no easily accessed source for that information. If a bill received a 3rd reading it cleared committee and the Floor Leader’s office. It got serious consideration.

In addition to determining which sources have the most success, knowing which sources get the most consideration tells us a lot about which voices are the strongest in the Capitol. Clearly, legislators own thoughts are an important source of introduced bills in Oklahoma. Agency requests have the most success.
Dear Rep. [NAME]:

A question frequently asked on the Floor or in committee is “Who requested this bill?” Generally, authors are very candid about the answer in these public forums. Those frequent questions and candid answers give rise to an important research questions that has not been widely explored in politics, “Where do most legislative ideas come from?”

With that in mind we would appreciate you being equally candid in answering for us the question, “Who requested this bill?” However, we promise to keep your specific responses confidential and to only report our results in aggregate, never sharing your name or anything specific about your responses without your permission.

We will be pleased to report the aggregate results of our survey to everyone who responds. Ultimately, we anticipate publishing the aggregate results in the Oklahoma Political Science Association’s Oklahoma Politics, where the results will be available to students across our state. This is a pilot project that may lead to a broader national study.

Thank you for your assistance with this important project,
Sincerely,
Research Team
Representative [Name]:

Please answer the following question for each of the bills you introduced in 2015:

**Who requested this bill?** After you have marked an answer, please provide any additional comments or details, such as which group made the request, on the blank lines.

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Request Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 1039</td>
<td>My own idea (___)</td>
</tr>
<tr>
<td>Comments or Details:</td>
<td>__________________________________________________________________</td>
</tr>
<tr>
<td>HB 1049</td>
<td>My own idea (___)</td>
</tr>
<tr>
<td>Comments or Details:</td>
<td>__________________________________________________________________</td>
</tr>
<tr>
<td>HB 1050</td>
<td>My own idea (___)</td>
</tr>
<tr>
<td>Comments or Details:</td>
<td>__________________________________________________________________</td>
</tr>
<tr>
<td>HB 1519</td>
<td>My own idea (___)</td>
</tr>
<tr>
<td>Comments or Details:</td>
<td>__________________________________________________________________</td>
</tr>
</tbody>
</table>
Did you introduce any other bills into the House this year? If so, please tell us about these bills.

_____________________________________________________________________________________
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Please send this completed survey form to:  Department of Political Science
100 N. University Dr.
Edmond, OK 73034-5209

For your convenience a mailing label is enclosed. Thanks so much for your time and attention to this project!
References


http://www.mercurynews.com/california/ci_15489181


Notes on Bills

H3
HB 1805 Failed 47/51, Banz, Joint candidacy of Gov and Lt. Gov
HB 1139 Failed 33/56, McDaniel J, seat belts
H4
HB 1116 Failed 49/28 (needs 51), Cleveland, Dept of Corrections and ground water
S1
SRs that were not heard on the Senate Floor