

End-of-Session Logjam

A typical legislative session starts slowly. At first, legislatures devote most of their time to organizing, introducing bills, holding committee meetings and passing a few measures. The tempo builds as time passes, however, leading to a frenzy of activity as the session draws to a close. This final "mad rush" is known as end-of-session logjam.

Contributing factors. What causes end-of-session logjam? Table 98-6.5 illustrates the major factors that chambers feel contribute most to end-of-session logjam. Al Abrams, former secretary of the New York Senate, regarded end-of-session logjam as "a result of the essential bargaining process that goes on in legislative halls." The legislative process is based on freedom of expression, consensus building and compromise. Legislators need time to work toward agreement on controversial and complex legislation.

Major pieces of legislation often are at the heart of end-of-session negotiations. Many feel that the "key log in the jam" is the budget bill. Others believe the logjam is not caused by "logs" (that is, major bills), but by "twigs and splinters." These include minor or "pet" measures that are held hostage by the opposite house, chamber leaders or committee chairs to ensure votes on other legislation.

However, the availability of ample time is no guarantee that the time will be well spent. Legislators procrastinate. Deadline systems do not exist or are not followed. Often, the processing of major and minor pieces of legislation is not separated. If too much time is spent on non-controversial issues, action on major bills is put off until the last moment. So, mismanagement of legislative time contributes to logjam.

There are other causes of logjam, as well (see table 98-6.6). Seventeen chambers feel that bill processing requirements set by constitution, statute or chamber rule add to the end-of-session crunch. One example is the reconsideration process. Some chambers require that the clerk or secretary hold a bill for two days in case a member moves to reconsider the vote. Thus, the measure cannot be transmitted to the other house, and further processing of the bill is delayed.

Committees must take some responsibility for end-of-session logjam, according to 23 legislative assemblies. One of the main purposes for committees is to allow the legislature to conduct more business by dividing the work among the members than could be done if the whole body were obliged to devote itself to each particular subject. "We'll fix it on the floor" or "Let's just pass it now; it will get killed on the floor" are phrases that indicate committees are not fulfilling this objective. Inadequate or incomplete work on bills in committee consumes valuable floor time. Calendars also become overloaded when committees report too many bills to the floor.

Six chambers--Kansas Senate and House, Louisiana Senate, Maine House, Nevada Senate and Rhode Island House--feel that shortages in staff or other support services aggravate logjam as well. For example, chamber rules often require that each member must have a printed copy of the bill before the measure may be voted upon. If the legislature does not have sufficient equipment to supply the photocopies in a timely fashion, delays in the legislative process occur.

The Alabama Senate indicated that a large number of new members and the time needed for them to learn the legislative process has affected logjam. Again, this is not a new theory. The

effects of high turnover on logjam were addressed in the 1971 publication, *The Sometime Governments*. Interestingly, this book also used Alabama as an illustration, discussing the 60 percent turnover in the Alabama House following the 1970 election.

In summary, end-of-session logjam results from a multitude of causes, which include structural, procedural, behavioral and political factors.

Alleviating logjam. Is end-of-session logjam a political reality of the legislative institution? According to political scientist James R. Ruhl, it is. He says that logjam is “recognized as one of the most predictable aspects of state legislative processes nationwide.” Most survey respondents agree; 58 chambers reported that end-of-session logjam is unavoidable.

End-of-Session Logjam Is Unavoidable

Alabama Senate	Nebraska Senate
Alaska Senate and House	Nevada Senate and Assembly
Arizona Senate and House	New Jersey General Assembly
Arkansas Senate	New Mexico House
California Senate and Assembly	North Carolina House
Colorado Senate	North Dakota Senate and House
Connecticut Senate	Ohio House
Delaware House	Oklahoma House
Florida House	Oregon Senate and House
Hawaii Senate	Pennsylvania Senate and House
Idaho Senate and House	Rhode Island House
Illinois House	South Carolina Senate
Indiana House	South Dakota Senate and House
Iowa Senate	Tennessee Senate
Kansas House	Texas House
Kentucky Senate and House	Utah Senate
Louisiana Senate and House	Vermont House
Maryland House	Virginia House
Massachusetts Senate and House	West Virginia House
Michigan House	Wisconsin Senate and Assembly
Minnesota Senate and House	Wyoming Senate and House
Missouri Senate	

However, the respondents from the 24 chambers shown below are optimistic. They believe that end-of-session logjam may be avoided.

Session Logjam Is Avoidable

Alabama House
 Colorado House
 Florida Senate
 Georgia Senate
 Hawaii House
 Illinois Senate
 Indiana Senate
 Iowa House
 Kansas Senate
 Maine House
 Maryland Senate
 Michigan Senate

Montana Senate and House
 New Jersey Senate
 Ohio Senate
 Oklahoma Senate
 Texas Senate
 Utah House
 Vermont Senate
 Virginia Senate
 Washington Senate
 West Virginia Senate
 Puerto Rico Senate

Table 98-6.7 provides a historical perspective on the existence of logjam in state legislatures. In 1998, almost three-fourths of the legislative assemblies reported frequent experience with logjam, and 16 chambers reported that it occurs only occasionally. In addition, as shown in table 98-6.8, 20 chambers reported that the intensity of their end-of-session crunch has decreased during the past five years.

How have some chambers reduced or alleviated logjam? Table 98-6.9 offers specific recommendations to minimize the end-of-session crunch. The suggestions reveal that it is important to make optimum use of session time and to dispose of business promptly and in an organized manner. To accomplish this, three points are key.

- Manage the overall flow of work from legislative committees to the floor, so that early session time is maximized.
- Plan the time actually spent in floor debate in order to expedite each day's business.
- Minimize time spent on non-controversial matters.

Many suggestions offered by survey respondents in 1998 mirror the recommendations made by Delaware Senator Everette Hale in 1969. Based on his own 50-state survey, Senator Hale prescribed the following improvements.

- Presession organization and orientation.
- Presession filing of bills.
- Consent calendars.
- Self-imposed deadlines at important points in the legislative process.

Table 98-6.5 Major Contributors to End-of-Session Logjam

State (1)	Amount of time needed to negotiate and compromise	Timing of the budget process	Leverage tool used by one chamber against the other	Leverage tool used by members within a chamber	Tendency of legislators to procrastinate	Increased complexity of issues	Partisan make-up of chamber	Limit on session length	Number of bills or resolutions introduced	Lack of a deadline system	Improper amount of time allotted for deadlines	Inability of chamber to follow its deadline system
Alabama	S	H	H	H	B		S	S	H			
Alaska	B	B	B				B	B		B		
Arizona			B	B				B	B		B	H
Arkansas	S		S	S	S	S			S			
California	H			S	S	B	H		H			S
Colorado	S	S	B		B	S		S	S			H
Connecticut	S		S	S	S	S	S					
Delaware			H		H	H				H		
Florida	B	S	B	H								
Georgia	S	S	S	S	S			S	S		S	
Hawaii	B	H	B	H	H	B		S	S			
Idaho		H	H	H	B				S		S	
Illinois	B	B	H	H		S	B					
Indiana	H		B	H	S				S			
Iowa	H	S	S	S		B	B	S	S			
Kansas	S		S	S	S	B	S	S				
Kentucky	S		S	S		H	S		H	S		
Louisiana	S	B	S		B			S	B	H		
Maine					H	H						
Maryland	B	H	B	H	B	H		H	S			B
Massachusetts												
Michigan	S		S	S	S	S	S		H	H		S
Minnesota	S	H	S			B	B	H	S			
Mississippi									H			
Missouri	S		S	S	S	S	S		S			
Montana			B									

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Nebraska					S	S		S				
Nevada			B	B	B	B	S		B	B		
New Hampshire												
New Jersey						S	H			S		
New Mexico		H	H					H	H			
New York												
North Carolina	H	H	H	H	H	H	H		H			H
North Dakota	B					B						
Ohio	B	B	H	H	H	H				H		
Oklahoma	B	H	S			H	H	B	B			S
Oregon		S	S	S		S			S			
Pennsylvania	S		B		B	S			S	S		
Rhode Island		H				H			H			
South Carolina			B	B	H		H	S		H		
South Dakota	B	B	B	B	B		B	B				
Tennessee	B	B			B	H			S	H		
Texas	B		H	H	H	S		S				
Utah	S	B				S		B	S			
Vermont	S		B	B	S	B	S		H			S
Virginia	H	H	H	H	H	H		H	H		H	H
Washington	S	S		S				S				
West Virginia	B		B	B	B	B			B			H
Wisconsin					B					B		
Wyoming	B		B					B	B			
Puerto Rico				S		S			S			

Table 98-6.5 Major Contributors to End-of-Session Logjam, cont'd.

Key:

S=Senate

H=House or Assembly

B=Both chambers

Note:

1. The following chambers did not return a survey: Arkansas House, Connecticut House, Delaware Senate, Maine Senate, Missouri House, New Hampshire Senate and House, New York Senate, North Carolina Senate, Rhode Island Senate, Washington House, American Samoa Senate and House, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico House and Virgin Islands Senate.

Table 98-6.6 Other Causes of Logjam

State (1)	Constitutional bill processing requirements	Statutory constraints on bill processing	Bill processing requirements set by chamber rule	Reconsideration process	Inadequacy of work done on bills by committees	Too many bills reported by committees	Shortages in overall number of legislative staff	Shortages in legislative support services	Number of new members and their learning curve
Alabama	S				B	H			S
Alaska									
Arizona	B	B	H			H			
Arkansas									
California									
Colorado									
Connecticut						S			
Delaware									
Florida									
Georgia									
Hawaii									
Idaho					H				
Illinois									
Indiana									
Iowa					S				
Kansas			S			H	B	H	
Kentucky									
Louisiana			S			B	S		
Maine							H	H	
Maryland	B		H			B			
Massachusetts									
Michigan									
Minnesota									
Mississippi									
Missouri			S		S	S			
Montana									

Table 98-6.6 Other Causes of Logjam, cont'd.

State (1)	Constitutional bill processing requirements	Statutory constraints on bill processing	Bill processing requirements set by chamber rule	Reconsideration process	Inadequacy of work done on bills by committees	Too many bills reported by committees	Shortages in overall number of legislative staff	Shortages in legislative support services	Number of new members and their learning curve
Nebraska				S	S	S			
Nevada					S	S		S	
New Hampshire									
New Jersey	H								
New Mexico									
New York									
North Carolina	H								
North Dakota									
Ohio									
Oklahoma	S								
Oregon			S			H			
Pennsylvania		S	S			S			
Rhode Island			H				H		
South Carolina									
South Dakota									
Tennessee					S				
Texas									
Utah									
Vermont				S					
Virginia			H						
Washington									
West Virginia					H	H			
Wisconsin					B				
Wyoming	B					B			
Puerto Rico						S			

Table 98-6.6 Other Causes of Logjam, cont'd.

Key:

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Note:

1. The following chambers did not return a survey: Arkansas House, Connecticut House, Delaware Senate, Maine Senate, Missouri House, New Hampshire Senate and House, New York Senate, North Carolina Senate, Rhode Island Senate, Washington House, American Samoa Senate and House, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico House and Virgin Islands Senate.

Table 98-6.7 Frequency of Session Logjam

State	1969 (1)			1983 (2)			1998 (3)		
	Frequent	Occasional	Never	Frequent	Occasional	Never	Frequent	Occasional	Never
Alabama	•			•			•		
Alaska	•			•			•		
Arizona	•			•			•		
Arkansas	•			•			•		
California	•			•			•		
Colorado	•							•	
Connecticut	•			•				•	
Delaware	•			•	•		•		
Florida	•				•		•		
Georgia	•			•	•		•		
Hawaii		•		•			•		
Idaho	•	•		•	•		•		
Illinois	•	•		•	•			•	
Indiana	•			•			•		
Iowa	•						•		
Kansas	•			•			•		
Kentucky	•			•			•		
Louisiana	•			•			•		
Maine	•	•		•			•		
Maryland	•			•	•		•		
Massachusetts	•			•				•	
Michigan	•			•			•		
Minnesota	•			•			•		
Mississippi	•			•			•	•	
Missouri	•			•			•		
Montana	•			•				•	

Table 98-6.7 Frequency of Session Logjam, cont'd.

State	1969 (1)			1983 (2)			1998 (3)		
	Frequent	Occasional	Never	Frequent	Occasional	Never	Frequent	Occasional	Never
Nebraska	•		•	•	•		•		
Nevada	•			•			•		
New Hampshire	•			•					
New Jersey	•				•		•	•	
New Mexico	•			•	•		•		
New York	•			•			•		
North Carolina		•		•			•		
North Dakota	•	•		•			•		
Ohio	•			•			•	•	
Oklahoma	•		•	•	•		•		
Oregon		•		•			•		
Pennsylvania	•			•			•		
Rhode Island	•	•			•		•		
South Carolina	•			•			•		
South Dakota	•	•		•	•		•		
Tennessee	•			•	•		•		
Texas	•			•	•		•		
Utah	•						•	•	
Vermont	•			•			•		
Virginia	•	•		•			•	•	
Washington	•			•				•	
West Virginia	•			•			•		
Wisconsin	•			•	•		•		
Wyoming	•			•	•		•		
Puerto Rico								•	

Table 98-6.7 Frequency of Session Logjam, cont'd.

Notes:

1. Based on a 1969 survey conducted by Delaware Senator Everette Hale; his survey was sent to the president pro tempore of the Senate, the speaker of the House, and the head of the legislative service agency in each state.
2. Based on a 1983 survey by James R. Ruhl; his survey was sent to Senate and House leaders and the chief clerk in each legislative body. Colorado and Utah did not respond to the survey.
3. Based on the 1998 ASLCS comprehensive survey. The following chambers did not return a survey: Arkansas House, Connecticut House, Delaware Senate, Maine Senate, Missouri House, New Hampshire Senate and House, New York Senate, North Carolina Senate, Rhode Island Senate, Washington House, American Samoa Senate and House, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico House and Virgin Islands Senate.

Table 98-6.8 Intensity of Session Logjam During the Past Five Years**The following chambers reported that the intensity has increased:**

Alabama Senate and House	Nevada Senate and Assembly
Arizona Senate and House	North Carolina House
Kentucky House	Oklahoma Senate
Louisiana Senate and House	South Carolina House

The following chambers reported that the intensity has remained the same:

Arkansas Senate	Nebraska Senate
California Senate and Assembly	New Jersey Senate and General Assembly
Colorado Senate	New Mexico House
Connecticut Senate	New York Assembly
Delaware House	North Dakota Senate and House
Florida House	Ohio Senate
Georgia Senate	Oklahoma House
Hawaii Senate and House	Oregon Senate and House
Idaho Senate and House	Pennsylvania Senate and House
Illinois House	Rhode Island House
Indiana Senate and House	South Carolina Senate
Iowa Senate	South Dakota Senate and House
Kansas Senate	Tennessee Senate and House
Kentucky Senate	Vermont House
Maryland Senate	Virginia Senate and House
Massachusetts Senate and House	West Virginia Senate and House
Michigan House	Wisconsin Senate and Assembly
Minnesota Senate and House	Wyoming Senate and House
Mississippi Senate	Puerto Rico Senate
Missouri Senate	

The following chambers reported that the intensity has decreased:

Alaska Senate and House	Michigan Senate
Colorado House	Mississippi House
Florida Senate	Montana Senate and House
Illinois Senate	Ohio House
Iowa House	Texas Senate and House
Kansas House	Utah Senate and House
Maine House	Vermont Senate
Maryland House	Washington Senate

Table 98-6.9 Recommendations to Minimize End-of-Session Logjam

- Elect or appoint strong leaders.
- Encourage cooperation among members and between chambers.
- Hold more caucuses or other meetings to keep rank-and-file members informed.
- Establish a deadline system or timetable to which both chambers adhere.
- Make the schedule reasonable.
- Provide copies of the schedule to members, staff and the public.
- Adhere to the deadline schedule.
- Limit the number of bills introduced, either by numeric limit or deadline.
- Allow members to identify a certain number of bills as priorities.
- Establish an early filing deadline for priority bills.
- Require prefiling of state agency bills.
- Have leaders work with committee chairs to keep measures flowing through the process.
- Encourage better committee work.
- Do not require all bills to be heard by committee.
- Reduce the number of bills sent by committee to the floor.
- Publicize and provide copies of each day's calendar well in advance.
- Attempt to consistently clear each day's calendar.
- Develop a workable consent calendar.
- Encourage members to give the presiding officer advance warning of objections to amendments or procedures in order to allow a bipartisan legal counsel to draft options.
- Pass the budget earlier in session.
- Use a 24- or 48-hour "cooling off" period before voting on final passage of a measure.
- Streamline the process by which bills are transferred between chambers.
- Establish rules that set out special processes to be used during the last days of session.
- Set a cutoff after which chambers cannot pass bills.
- Establish joint rules for conference committees.
- Limit the number of conference committees.
- Limit the number of days that a conference committee may consider a bill.
- Reserve the last day of session for passage of conference committee reports.
- Establish timing requirements for the production and distribution of conference reports before any action may be taken.
- Have sufficient staff and equipment.
- Use improved technology.