

MEMORANDUM

Research Department, Kansas Legislative Council June 3, 1968

RE: Judiciary Committees - Selected States

The legislative rules of several states were checked to determine the composition and names of standing committees that might handle subject matter comparable to the types of legislation studied by the Kansas Judiciary committees.

Only one state, Mississippi, was found which assigns all attorneys to the Judiciary committees as is the practice in Kansas. In Mississippi, senior law students are also assigned to the Judiciary committees. Since such a practice may be rooted in tradition and not specified in the rules, other states having such arrangements might have been missed.

The states checked are listed below. The year beside the name of the state indicates the effective date of the rules reviewed.

Arizona (1967-1968)	Delaware (1965)
Colorado (proposed 1968)	Illinois (1965)
Georgia (1967-1968)	Indiana (1965)
Massachusetts (1968)	Iowa (1965)
Minnesota (1967-1968)	Michigan (1965)
Rhode Island (1968)	Missouri (1965)
Connecticut (1967)	Nebraska (1965)
New Jersey (1967)	New Mexico (1965)
New York (1967)	North Dakota (1965)
Mississippi (1966)	Ohio (1965)
South Dakota (1966)	Oregon (1965)
Virginia (1966)	Pennsylvania (1965)
Wisconsin (1966)	Washington (1965)
Arkansas (1965)	

The following states had legislative rules providing for more than one judiciary committee, or for committees that would probably handle the type of matters now being assigned to the Kansas House and Senate Committees on Judiciary.

1. Georgia (1967-1968)

House There is a Judiciary committee and a Special Judiciary committee. Number of members not listed.

Senate There is a single Judiciary committee. Number of members - 12.

2. Massachusetts (1967-1968)

Joint Standing Committees In 1967 there were three such committees - Constitutional Law, Judiciary and Legal Affairs. In 1968, the number of joint standing committees was reduced from 34 to 18. There is now one Judiciary committee. It is composed of 15 Representatives and 6 Senators.

3. Connecticut (1967)

Joint Standing Committees

- (a) Constitutional Amendments (7 Senators, 21 Representatives)
- (b) General Law (9 Senators, 21 Representatives)
- (c) Judiciary and Governmental Functions (11 Senators, 23 Representatives)

4. New Jersey (1967)

- House
- (a) Judiciary (7 members)
 - (b) Revision and Amendment of Laws (7 members)
- Senate
- (a) Judiciary (8 members)
 - (b) Law and Public Safety (6 members)

Both Houses had a six-member commission on Law Revision and Legislative Services.

5. New York (1967)

- House
- (a) Committee on Codes (18 members)
 - (b) General Laws (16 members)
 - (c) Judiciary (23 members)
 - (d) Revision (16 members)
- Senate
- (a) Committee on Codes (18 members)
 - (b) General Laws (8 members)
 - (c) Judiciary (23 members)

6. Mississippi (1966)

- House (a) Constitution (11 members)
(b) Judiciary A (1966 - 17 members)
(c) Judiciary B (1966 - 18 members)

When the Judiciary committees sit en banc, the chairman of Division A acts as presiding officer.

- Senate (a) Constitution (9 members)
(b) Judiciary (1966 - 22 members)

All lawyers and senior law students are members of a Judiciary committee.

7. Virginia (1966)

- House (a) Courts of Justice (17 members)
(b) General Laws (17 members)

- Senate (a) Courts of Justice (16 members)
(b) General Laws (13 members)

8. Wisconsin (1966)

The rules indicated that Wisconsin had separate standing committees on Judiciary in each house. There is also a joint standing committee on Revision, Repeals and Uniform Laws. The number of members for separate standing committees was not listed. The joint standing committee consisted of two Senators and three Representatives.

9. Arkansas (1965)

- House (a) Judiciary
- Senate (a) Judiciary (21 members)
(b) County and Probate Courts (3 members)
(c) Circuit and Justice Courts (5 members)
(d) Constitutional Amendments (5 members)

10. Indiana (1965)

House (a) Judiciary A (15 members)

(b) Judiciary B (15 members)

Senate (a) Judiciary A (9 members)

(b) Judiciary B (9 members)

11. Michigan (1965)

House (a) Judiciary (15 members)

(b) Revision and Amendment of the Constitution
(9 members)

Senate (a) Judiciary (7 members)

12. Missouri (1965)

House (a) Constitutional Amendments (6 members)

(b) Criminal Jurisprudence (9 members)

(c) Judiciary (26 members)

Senate (a) Judiciary (13 members)

(b) Criminal Jurisprudence (11 members)

13. New Mexico (1965)

House (a) Judiciary

Senate (a) Judiciary

The Senate rules provided for extra duties for the chairman of the Judiciary committee. He, or a member of his committee, was directed to examine and correct bills referred to him for the purpose of avoiding repetition and insuring accuracy in the text. Upon request, the chairman must report whether the objective can be secured without special act under existing laws or by enactment of a general law. The chairman, or someone directed by him, is responsible for revision and correction of the journal. The Judiciary committee must report as correctly engrossed bills, resolutions and memorials required to be engrossed before they go out of the possession of the Senate.

14. Ohio (1965)

House (a) Judiciary (23 members)

The Judiciary committee is to be divided into two sections, a special section and a general section.

Senate (a) Judiciary (11 members)

15. Pennsylvania (1965)

House (a) Judiciary (17 members)

(b) Judiciary Special and Law and Order (17 members)

Senate (a) Constitutional Changes and Federal Relations (17 members)

(b) Judiciary General (24 members)

(c) Law and Order (17 members)

All other state legislative rules reviewed showed only one judiciary committee in each house, or one joint standing judiciary committee.

EXPLANATION

RE: Results of Questionnaires on the Committee System of the
Kansas Legislature

At the direction of the Joint Committee on Legislative Facilities, questionnaires were sent to all members of the 1968 Kansas Legislature to solicit suggestions about the committee system of the legislature. The questionnaires were mailed April 19, and follow-up questionnaires were sent on May 15 to all legislators from whom replies had not been received. A total of 27 replies (67.5%) was received from Senators, and 79 replies (63.7%) from House members.

Suggestion on Combining Committees. Caution should be exercised in drawing conclusions concerning data presented in the accompanying tables concerning Part (A) of the questionnaire. First, it must be remembered that between 30% and 40% of the total membership did not reply. Second, several replies were incomplete. Third, a number of the persons responding marked the questionnaire to show that certain committees could be combined, but did not suggest combinations. Finally, some suggested combinations were not consistent throughout the questionnaires, or were not suited to the tabular format used.

In tabulating results, an effort was made to record all positive answers, while attempting to keep interpretation of a legislator's intent at a minimum. As an illustration, a legislator may have marked several committees that should be combined, and may have omitted several other committees. One might conclude that the remaining committees were not marked because they did not need to be combined. However, another conclusion is that the legislator may have had positive recommendations regarding only those committees about which he commented.

The approach used was to compile information from all questionnaires on a committee by committee basis. Assumptions about the intent of a response were made only when the intent seemed very clear. For example, a House questionnaire may have been marked showing that the Agriculture Committee should be combined with Horticulture. Beside the Horticulture Committee, a note would show that this committee should be combined with Agriculture. Further along on the questionnaire, Livestock would be marked to show that it should be combined with Agriculture. In such cases it was assumed that the legislator wished to combine Livestock with both Agriculture and Horticulture. Not all situations were handled this easily.

Suggestion as to Committee Size. Part (B) of the questionnaire concerned recommendations about the size of committees.

The section was often unanswered. In addition, it became clear in reviewing the responses that the section had been interpreted in at least two different ways, thus nullifying the validity of much of the section. Only when the recommendation on Part (A) was that the committee not be changed were the recommendations as to size in (B) recorded. The percentage of responses in this category was quite small.

Summary:

The following data shows the marks and suggestions that were clear and positive responses found on the questionnaires. For this reason, it is not possible to equate totals for each committee to the total number of responses received.

Certain preferences can be noted from the data which can serve as a basis for formulating recommendations concerning a reduction in the number of House and Senate committees, should that course of action be deemed desirable.

Note:

If the names of standing committees are changed, several minor statutory amendments would be needed to accommodate any new list of committees. Claims and Accounts (K.S.A. 46-111 to 117a) and Interstate Cooperation (K.S.A. 46-401 to 411, 46-407a and 408 were amended in the 1968 Session, S.B. No. 421) are established by law, and the size of the committee is set out in the statute.

KEY TO COMMITTEE ABBREVIATIONS

Ag	Agriculture	Ir	Irrigation
AT	Assessment and Taxation	JA	Judicial Apportionment
AV	Aviation	Ju	Judiciary
BB	Banks and Banking	La	Labor
BG	Buildings and Grounds	LA	Legislative Apportionment
C-1	Cities, first class	LCA	Legislative and Congressional Apportionment
C-2	Cities, second class	Li	Livestock
C-3	Cities, third class	LI	Labor and Industry
CA	Claims and Accounts	MA	Military Affairs
CLS	County Lines and Seats	MC	Motor Carriers
Co	Corporations	Me	Memorials
CW	Committee of the Whole	MM	Mines and Mining
Ed	Education	Mu	Municipalities
El	Elections	OG	Oil and Gas
Em	Employees	Pr	Printing
JEB	Engrossed and Enrolled Bills	PH	Public Health
FPG	Forestry, Fish and Game	PU	Public Utilities
FS	Fees and Salaries	PW	Public Welfare
FSA	Federal and State Affairs	Ra	Railroads
FSM	Fees, Salaries and Mileage	RC	Revision of Calendars
Hi	Highways	RH	Roads and Highways
Ho	Horticulture	RJ	Rules and Journal
IC	Interstate Cooperation	SA	State Affairs
ID	Industrial Development	SC	Soldiers' Compensation
IDA	Industrial Development and Aeronautics	SL	Savings and Loan
In	Insurance	SPM	State Parks and Memorials
		WM	Ways and Means
		WR	Water Resources

TABLE 5(A)*

TABULATION OF HOUSE OF REPRESENTATIVES QUESTIONNAIRES ON COMMITTEE ORGANIZATION

Committee	This Committee Should:							Suggested Combinations ²						Committee Frequency ³			
	Be Combined	Not Be Combined ¹				Be Abolished	Become a Jt. Comm.	First		Second		Third		First		Second	
		T.	I.	D.	S.												
Agriculture	50	20	-	3	9	-	1	Ho & Li (11)	Li (10)	Ho, Li & Ir (10)		Li (38)	Ho (34)				
Assessment and Taxation	4	56	3	5	27	-	2	WM (2)	CA & WM (2)	-		WM (4)	CA (2)				
Aviation	42	10	-	-	4	6	3	ID (9)	MC, Ra & RH (8)	MC & Ra (5)		ID (18)	MC-Ra (18)				
Banks and Banking	43	16	1	1	8	-	1	SL (29)	SL & In (8)	-		SL (38)	In (8)				
Building and Grounds	22	26	4	1	11	2	7	Em (3)	Em, Pr, RC, RJ & Me (2)	SPM-Pr & Em (2 ea.)		Em (10)	Me (4)				
Cities of the First Class	54	12	-	-	9	1	2	C-2, C-3 & MU (32)	C-2 & C-3 (5)	C-2, C-3, CLS & MU (3)		C-2 (50)	C-3 (47)				
Cities of the Second Class	65	2	-	-	1	1	1	C-1, C-3 & MU (32)	C-3 (7)	C-1 & C-3 (5)		C-3 (56)	C-1 (45)				
Cities of the Third Class	64	2	-	-	1	2	1	C-1, C-2 & MU (32)	C-2 (7)	C-1 & C-2 (5)		C-2 (52)	C-1 (44)				
Claims and Accounts	11	35	5	-	13	1	10	FS (3)	AT & WM (2)	-		FS (4)	WM (3)				
County Lines and County Seats	36	5	-	-	3	26	1	LA (7)	C-1, C-2, C-3 & MU (3)	C-1, C-2 & C-3/EL/C-3 (2 ea.)		LA (12)	C-3 (10)				
Education	1	57	2	5	27	-	1	-	-	-		-	-				
Elections	25	29	3	2	12	1	4	CLS (2)	JA & IA (2)	JA-FS (2 ea.)		JA (6)	CLS (5)				
Fees and Salaries	25	23	2	1	10	2	7	CA (3)	El (2)	-		El (5)	CA (4)				
Forestry, Fish and Game	34	24	-	-	12	-	1	SPM (10)	SPM & Me (3)	Ho (3)		SPM (17)	Ho (6)				
Horticulture	49	4	-	-	1	17	2	Ag & Li (11)	Ag, Li & Ir (10)	Ag (6)		Ag (34)	Li (26)				

Committee	This Committee Should:						Become a Jt. Comm.	Suggested Combinations ²						Committee Frequency ³		
	Be Combined	Not Be Combined ¹				Be Abolished		First	Second		Third		First	Second		
		T.	I.	D.	S.											
Industrial																
Development	32	20	2	2	10	5	2	AV	(9)	La	(4)	AV & La-IC (2 ea.)	AV	(18)	La	(10)
Insurance	10	47	5	3	20	1	-	BB & SL	(8)	-	-	-	BB	(8)	SL	(8)
Interstate Cooperation	17	34	6	-	15	3	4	ID	(2)	SA	(2)	-	ID	(5)	SA	(5)
Irrigation	56	2	-	-	1	6	1	WR	(22)	Ag, Ho & Li	(10)	MM, OG & WR (3)	WR	(31)	Ag	(17)
Judicial Apportionment	44	12	-	1	8	7	3	Ju	(17)	IA	(12)	IA & EI-EI (2 ea.)	Ju	(18)	IA	(16)
Judiciary	20	37	1	14	11	-	1	JA	(17)	-	-	-	JA	(18)	-	-
Labor	20	34	4	4	10	2	1	ID	(4)	ID & AV	(2)	-	ID	(10)	AV	(3)
Legislative Apportionment	40	14	-	1	8	6	1	JA	(12)	CLS	(7)	EI & JA-SA (2 ea.)	JA	(17)	CLS	(11)
Livestock	41	21	-	2	10	2	-	Ag & Ho	(11)	Ag	(10)	Ag, Ho & Ir (10)	Ag	(38)	Ho	(25)
Memorials	35	15	-	-	10	11	3	SPM	(7)	Em & Pr	(3)	FFG & SPM (3)	SPM	(16)	Em	(9)
Military Affairs	46	8	-	-	3	12	3	SC	(25)	SC & Me	(2)	-	SC	(33)	SA-Me (5 ea.)	
Mines and Mining	38	14	-	-	6	10	1	OG	(10)	OG & WR	(4)	Ir, OG & WR (3)	OG	(21)	WR	(12)
Motor Carriers	47	17	1	1	8	3	-	RH	(12)	AV, Ra & RH	(8)	AV & Ra (5)	Ra	(33)	RH	(25)
Municipalities	52	13	1	1	5	2	-	C-1, C-2 & C-3	(32)	C-1, C-2, C-3 & CLS	(3)	C-3 (2)	C-2	(44)	C-1/C-3 (43 ea.)	
Oil and Gas	34	23	-	2	9	1	-	MM	(10)	MM & WR	(4)	Ir, MM & WR (3)	MM	(19)	WR	(9)
Public Health	43	18	6	-	6	-	-	PW	(34)	-	-	-	PW	(36)	-	-
Public Utilities	29	28	1	2	11	1	-	Ra	(5)	-	-	-	Ra	(14)	ID	(7)
Public Welfare	42	17	-	-	10	1	-	PH	(34)	-	-	-	PH	(35)	-	-
Railroads	47	13	-	1	5	3	1	AV, MC & RH	(8)	AV & MC	(5)	PU (5)	MC	(29)	AV	(19)
Roads and Highways	29	36	-	3	15	-	1	MC	(12)	AV, MC & Ra	(8)	Ra (4)	MC	(26)	Ra	(15)
Savings and Loan	45	12	-	-	7	1	1	BB	(29)	BB & In	(8)	-	BB	(38)	In	(8)
Soldiers Compensation	41	4	-	-	2	21	2	MA	(25)	MA & Me	(2)	-	MA	(33)	SA-Me (3 ea.)	

This Committee Should:

Committee	Not Be Combined ¹				Be Abolished	Become a Jt. Comm.	Suggested Combinations ²			Committee Frequency ³		
	Be Combined	T.	I.	D.			S.	First	Second	Third	First	Second
State Affairs	16	45	11	2	17	-	-	IA (2)	IC (2)		IA (6)	MA (5)
State Park and Memorials	49	9	1	-	3	5	2	FFG (10)	Me (7)	FFG & Me (3)	FFG (17)	Me (13)
Water Resources	51	14	2	-	6	1	-	Ir (22)	MM & OG (4)	Ir, MM & OG (3)	Ir (31)	MM (14)
Ways and Means	5	53	6	3	24	-	2	AT (3)	AT & CA (3)	-	AT (4)	CA (3)
Employees	26	24	-	5	7	-	2	Pr, RC & RJ (3)	BG-Me & Pr (3 ea.)	Pr-Pr & RJ (3 ea.)	Pr (17)	BG (10)
Printing	25	23	-	1	10	3	1	Em, RC & RJ (3)	Em-Em & Me (3 ea.)	Em & RJ (3)	Em (17)	RJ (12)
Revision of the Calendar	16	33	1	1	15	-	1	RJ (5)	Em, Pr & RJ (3)	-	RJ (12)	Pr (7)
Rules and Journal	21	30	1	-	14	-	1	RC (5)	Em, Pr & RC (3)	Em & Pr (3)	RC (12)	Pr (11)

* NOTE: Suggested committee combinations and committee frequencies occurring only once were not included on the table.

¹ T. Total; I. Increase; D. Decrease; S. Same

² Suggested combinations describe those committees suggested in recurring combination(s)

³ Committee frequency describes those individual committees appearing most often in combination(s)

TABLE 5(A)*

TABULATION OF SENATE QUESTIONNAIRES ON COMMITTEE ORGANIZATION

Committee	This Committee Should:						Suggested Combinations ²						Committee Frequency ³				
	Be Combined	Not Be Combined ¹				Be Abolished	Become a Jt. Comm.	First			Second			First		Second	
		T.	I.	D.	S.			First	Second	Third	First	Second	Third	First	Second		
Agriculture	26	-	-	-	-	-	-	Li	(18)	FFG, Li & WR	(3)	Li & WR	(2)	Li	(23)	WR	(5)
Assessment and Taxation	1	21	2	1	12	-	-	-	-	-	-	-	-	-	-	-	-
Banks and Banking	23	1	-	-	1	-	-	SL	(13)	Co & SL	(2)	In & SL	(2)	SL	(19)	Co	(5)
Claims and Accounts	5	14	-	-	10	1	3	FSM	(3)	-	-	-	-	FSM	(4)	-	-
Corporations	22	-	-	-	-	2	-	MU	(3)	IDA	(3)	BB & SL	(2)	MU	(4)	SL-LI- IDA (3 ea)	
Education	-	21	3	1	13	-	-	-	-	-	-	-	-	-	-	-	-
Elections	12	6	-	-	5	1	1	LCA	(5)	-	-	-	-	LCA	(5)	FSA	(4)
Federal and State Affairs	11	11	1	1	7	-	-	MA	(4)	-	-	-	-	EI	(4)	MA	(4)
Fees, Salaries and Mileage	13	5	-	-	4	-	2	Em	(5)	CA	(3)	-	-	Em	(5)	CA	(4)
Forestry, Fish and Game	11	7	-	1	5	2	-	Ag, Li & - WR	(3)	WR	(3)	-	-	WR	(8)	Ag-Li (3 ea)	
Highways	3	18	2	1	10	-	-	-	-	-	-	-	-	IDA	(2)	LI	(2)
Industrial Development and Aeronautics	16	5	-	-	2	-	-	Co	(3)	LI	(3)	IC	(2)	LI	(7)	Co	(5)
Insurance	8	12	-	1	7	-	1	BB & SL	(2)	-	-	-	-	Co	(3)	SL-BB (3 ea)	
Interstate Cooperation	10	9	-	-	7	1	2	IDA	(2)	-	-	-	-	FSA	(3)	EI	(3)
Judiciary	1	19	1	6	8	1	-	-	-	-	-	-	-	-	-	-	-
Labor and Industry	13	8	1	2	6	1	-	IDA	(3)	-	-	-	-	IDA	(6)	Co	(4)
Legislative and Congressional Apportionment	10	7	-	-	5	1	3	EI	(5)	-	-	-	-	EI	(5)	-	-

This Committee Should:

Committee	Be Combined	Not Be Combined ¹				Be Abolished	Become a Jr. Comm.	Suggested Combinations ²						Committee Frequency ³			
		T.	I.	D.	S.			First	Second		Third		First	Second			
Livestock	26	-	-	-	-	-	-	Ag	(18)	Ag, FFG & WR	(3)	Ag & WR	(2)	Ag	(24)	WR	(5)
Military Affairs	11	3	-	1	2	6	-	FSA	(4)	-	-	-	FSA	(4)	-	-	-
Municipalities	15	6	-	1	5	1	-	PU	(4)	Co	(3)	-	PU	(4)	Co	(3)	-
Oil and Gas	15	4	-	-	3	3	1	PU	(5)	WR	(2)	-	PU	(6)	WR-LI	(3 ea)	-
Public Health	20	6	1	-	3	-	-	PW	(18)	-	-	-	PW	(18)	-	-	-
Public Utilities	18	2	-	-	2	3	-	OG	(5)	MU	(4)	-	MU	(5)	OG	(5)	-
Public Welfare	21	5	1	-	2	-	-	PH	(18)	-	-	-	PH	(18)	-	-	-
Savings and Loan	23	-	-	-	-	1	-	BB	(13)	BB & Co	(2)	BB & In	(2)	BB	(17)	Co	(4)
Water Resources	16	4	-	-	3	1	1	Ag, Li & FFG	(3)	FFG	(3)	Ag-OG	(2 ea.)	FFG	(8)	Ag-Li	(5 ea)
Ways and Means	3	17	1	1	11	-	-	-	-	-	-	-	-	-	-	-	-
Employees Engrossed and Enrolled Bills and Supervision of the Journal	18	4	-	-	4	1	-	FSM	(5)	EEB, Pr & RC	(3)	RC	(3)	EEB	(7)	Pr	(6)
Printing	20	2	-	-	2	1	1	Em, Pr & RC	(3)	RC	(3)	Pr	(3)	Pr	(10)	RC	(9)
Revision of Calendar and Rules	18	3	-	1	2	2	-	Em, EEB & RC	(3)	EEB	(3)	Em & EEB-Em	(2 ea.)	EEB	(10)	Em	(7)
	11	9	-	2	6	-	-	Em, EEB & Pr	(3)	EEB	(3)	-	EEB	(7)	Pr	(5)	-

* NOTE: Suggested committee combinations and committee frequencies occurring only once were not included on the table.

¹ T. Total; I. Increase; D. Decrease; S. Same

² Suggested combinations describe those committees suggested in recurring combination(s).

³ Committee frequency describes those individual committees appearing most often in combination(s).

TABLE V(B)

HOUSE OF REPRESENTATIVES

Questionnaire Responses on Committee System*

Total Number of Responses 79 Percentage 63.7

Question: Should the number of committees in the House of Representatives be reduced?

Answer: Yes 50
 No 6
 No Response 23

Question: In your opinion, what is the maximum number of committees on which a representative should serve?

Answer: Two Committees - (1)
 Three Committees - (20)
 Four Committees - (33)
 Five Committees - (15)
 Six Committees - (2)
 No Response - (8)

Question: Should committee chairmen serve on fewer committees than non-chairmen?

Answer: Yes 56
 No 15
 No Response 8

Committee assignments in the House at the present time range from a high of seven to a low of one.

* Some items tabulated under the "no response" category were answers that could not be properly classified as positive responses. Answers were tabulated on the basis of actual response to each of the questions. No assumptions concerning probable answers were made on the basis of other answers on the questionnaire.

TABLE V(B)

SENATE

Questionnaire Responses on Committee System*

Total Number of Responses 27 Percentage 67.5

Question: Should the number of committees in the Senate be reduced?

Answer: Yes 21
 No 1
 No Response 5

Question: In your opinion, what is the maximum number of committees on which a senator should serve?

Answer: Three Committees - (3)
 Four Committees - (1)
 Five Committees - (8)
 Six Committees - (3)
 Seven Committees - (3)
 No Response - (9)

Question: Should committee chairmen serve on fewer committees than non-chairmen?

Answer: Yes 11
 No 11
 No Response 5

Committee assignments in the Senate at the present time range from a high of nine to a low of six.

* Some items tabulated under the "no response" category were answers that could not be properly classified as positive responses. Answers were tabulated on the basis of actual response to each of the questions. No assumptions concerning probable answers were made on the basis of other answers on the questionnaire.