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Joint Resolution: A Study of Joint Committees and Legislative Effectiveness in the New England State Legislatures

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Joint Resolution

A Study of Joint Committees and Legislative
Effectiveness in the New England State
Legislatures

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April 18, 2014

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Chapter 1: Introduction

In the current climate of partisan gridlock in Washington, D.C., Americans have turned to state legislatures to address the important political issues of our time. From immigration to the regulation of genetically modified organisms in our food supply, state legislatures have been creating stopgap policies for issues that would best be handled by Congress, in an effort to force the federal government to act. Since state legislatures are being forced to address these additional issues, it is now more important than ever for these institutions to operate as effectively as possible. In these institutions, most tangible work takes place in standing committees, which are committees that meet on a regular and annual basis, with the ability to refer bills to the entire legislature.¹ Standing committees are frequently referred to as the workhorses of legislatures. The purpose of this thesis is to evaluate the effectiveness of the joint committee system, like the one used in the Connecticut, Maine, and Massachusetts state legislatures, as a model for other state legislatures to follow. Joint committees are standing committees with members from both the Senate and the House of Representatives that are co-chaired by both a senator and a representative, who will typically alternate in presiding over committee meetings and public hearings (Satter 2009, 23).

This thesis will address the following research question, which has not yet been studied in much depth in political science literature:

Does the joint committee system primarily used in the Connecticut, Maine, and Massachusetts state legislatures lead to a more effective legislative process than the traditional bicameral committee system primarily used in the New Hampshire, Vermont, and Rhode Island state legislatures?

¹ Throughout this work, when I refer to committees or joint committees, assume that I am writing about standing committees. If I intend to write about other types of committees, I will specifically refer to them as such.

For the purpose of this analysis, effectiveness is defined as the ability of committees to maximize legislative time by resolving differences between chambers in order to ensure that both chambers pass the bills they report out. The following analysis will show that joint committees are more effective because they give legislators a chance to focus their time more effectively on legislation that is more likely to pass both houses. In joint committees, legislators from both the House of Representatives and the Senate have the opportunity to interact with each other in an official capacity to better determine which pieces of legislation have the best chance of passing both houses. As a result, legislatures that use joint committees tend to have fewer steps in their legislative process, which makes the process easier for citizens to follow. A simpler legislative process presents fewer opportunities for legislation to die a confusing death later in the process, such as the second phase of the traditional bicameral committee process, and ensures that legislation is more likely to die before reaching either chamber, which prevents the waste of precious legislative time on issues that have no chance of becoming law. These ideas will be explored further in later chapters.

Literature Review

All state legislatures in the United States are organized based upon the principle of bicameralism meaning they consist of two chambers, which are typically called the House of Representatives and the Senate, except for Nebraska, which has a unicameral legislature. A criticism of the joint committee system is the idea that it undermines the theory of the bicameral system because "it substitutes a single consideration of a measure for consideration by each house separately" (Dodds and Lapp 1918, 50). This criticism was used to justify the abolishment of all joint committees in the state of Vermont in 1917. However, it can be argued that this

criticism is unwarranted as long as the opportunity remains for one chamber to refer a bill to a committee of its own members if there is disagreement between the chambers in the joint committee (Dodds and Lapp 1918, 50-1). This criticism also seems unwarranted because each chamber still has a chance to debate each measure when it reaches the floor for consideration.

In fact, the use of the bicameral system in state legislatures may not be entirely justified. In Congress, the bicameral system is justified because the seats in each chamber are apportioned to represent substantially different constituencies. The House of Representatives is apportioned based upon population and the Senate is apportioned based upon the states as political entities within the federal system (Hagan 1962). Congress was set up this way to prevent the short-term pressures of the electorate from influencing the entire legislative process by limiting the influence of these pressures to the House of Representatives. Since only one third of the Senate is up for reelection in any given election year and its members represent larger, more diverse constituencies, senators are more likely to pay attention to long-term trends, rather than short-term pressures. According to Charles B. Hagan, "unless the second chamber represents a substantially different constituency than the first chamber it does not seem necessary to have it" (1962). In the 49 states with bicameral legislatures, both chambers are apportioned based upon population, with the only difference being that the upper house has fewer seats than the lower house. State legislatures can only be apportioned based upon population since the 1964 Supreme Court decision *Reynolds v. Sims* addressed the issue of malapportionment by ruling that both chambers must be apportioned based upon the principle of "one person, one vote."

In the past half-century, several political scientists have conducted research to find whether the use of the bicameral system in state legislatures is needed to protect the integrity of the legislative system. According to Alan L. Clem, "legislative structures and procedures already

provide several stages at which bills are subjected to close scrutiny. It does not require a second legislative chamber to achieve this" (1978, 6). Clem suggests, "the real argument over bicameralism concerns which policy interests would be helped or hurt by a simpler, more visible legislative process" (1978, 6). He believes that bicameralism makes it easier for groups to delay or kill legislation that is considered dangerous to their interests, which consistently favors political elites and goes against the interests of the unorganized mass public (Clem 1978, 6). When a legislative process has more steps, there are more opportunities for legislation to fail. It seems that Clem is trying to say that interest groups and political elites know how to take advantage of these opportunities better than the average citizen.

In addition, Michael Cutrone and Nolan McCarty find the case for bicameralism to be "less than overwhelming" (2006, 32). They claim, "much of the empirical evidence of the policy effects [of] bicameralism is either weak or attributable to either malapportionment or supermajoritarianism, outcomes that could theoretically be produced in unicameral legislatures" (Cutrone and McCarty 2006, 32). It seems that both Clem and Cutrone and McCarty suggest that a unicameral legislature can be just as effective, if not more, than a bicameral legislature. The joint committee system seems to offer a balance between the unicameral and bicameral systems. Joint committees preserve the elements of bicameralism that allow each chamber to check the power of the other and minimize the amount of unnecessary repetition that tends to take place in bicameral legislatures. Joint committees seem to combine the best elements of both systems.

Although no significant in-depth comparative research has been done regarding joint committees in state legislatures, legislative committees have long been a popular topic of study. The first such study was conducted by Woodrow Wilson, who claims, "Congressional government is Committee government" and characterizes committees as "little legislatures"

(1885, 24, 113). Wilson's characterization of committees makes sense because they make the greatest contribution to each piece of legislation that is considered on the floor. Legislative committees are the workhorses of legislatures. During Wilson's time, little research was done regarding legislative committees because the committees met secretly and did not keep detailed records, which explains why Wilson's work is one of the most frequently quoted (Huit 1954, 340).

Despite the secrecy of Congressional committees during this period, Dr. Lauros G. McConachie conducted a more in-depth study of legislative committees, which chronicles the complete history of American legislative committees starting from the colonial era and has been cited much less frequently than Wilson's book (1898, as cited in Howard 1898, 551-2). McConachie finds that admitting private citizens to committee hearings is a healthy sign and seems to suggest that committees will continue to become a stronger, more important part of the legislative process because of their perception as "little legislatures" (1898, as cited in Howard 1898, 551-2). It seems that Wilson's book is cited more frequently because his writing style is clear and elegant, while McConachie's writing style is more old-fashioned and difficult to read, even though his work is better researched and balanced (Eulau and McCluggage 1984, 200).

One of the earliest scholarly works to address joint committees in state legislatures was written by political scientist Paul S. Reinsch, who finds that joint committees are used extensively in New England, but are set aside for mainly formal occasions in the rest of the United States. According to Reinsch, joint committees attract greater public interest because they make the legislative process simpler and easier to follow, which makes them less susceptible to manipulation, and they save time by avoiding duplication, which allows for closer scrutiny and more intensive investigation of legislative issues (1907, 171-4).

As the study of state legislative committees has become more popular, some political scientists have come up with criteria by which the performance of committees can be evaluated. Political scientist Alan Rosenthal identifies five criteria that can be used to evaluate the effectiveness of state legislative committees, which are based upon their willingness and ability: "(1) to get bills referred to them, without being bypassed; (2) to deny favorable reports to bills; (3) to amend bills; (4) to get their bills adopted to the floor without change; and (5) to engage in productive interim studies" (Jewell 1975, 303). Clem conducted a case study to investigate the success of committees in the South Dakota legislature in performing the lawmaking function, which he defines as: "a committee's ability to secure favorable floor action by the total chamber on the bills it reports favorably" (1975, 1). David Ray identifies permissiveness and committee floor success to be "the two most fundamental aspects of a committee's legislative effectiveness" (1986, 127). All of these criteria are focused on the ability of legislative committees to control how far its bills get in the legislative process, rather than on the merits of the policy contained in the bills that pass through these committees.

Although there have not been any significant in-depth comparative studies of joint committees in state legislatures, some political scientists have conducted broad research and case studies of joint committees. John A. Fairlie argues that state legislatures could be improved "by further reduction in the number of committees, by a more careful and better balanced assignment of measures, and by a greater use of joint committees or at least of joint hearings by committees of both houses" (1932, 37). Wayne L. Francis and James W. Riddlesperger studied the extent to which chamber size has an effect upon the optimal number and size of state legislative committees and found that legislators from states with complete joint committee systems express dissatisfaction with the operation of their committee systems much more frequently than other

legislators (1982, 469). According to Francis, the most frequent complaints from legislators in states with complete joint committee systems come from senators and include: "(1) the number of committee assignments; (2) the size of committees; and (3) the scheduling of committee meetings" (1989, 120).

In addition, David B. Ogle conducted a case study of joint committee operations in the Connecticut General Assembly and found a number of advantages and disadvantages to its joint committee system. The advantages include: the elimination of a certain amount of duplication; more continuity and coordination between sessional and interim work; identical jurisdictional breakdowns in each house; only one hearing before the Legislature for executive agencies; the opportunity for members of each house to have an opportunity for a give-and-take and an exchange of views with members of the other house; and bills are immediately added to the calendar of the second house after passing the first house and are only referred back to committee if the second house votes to send them there (Ogle 1974, 171). The disadvantages include: joint committees become quite large in size, which can become a hindrance to effective legislative action; and the usual double scrutiny of a bill is eliminated when it is not sent to committee before being considered in the second house. Despite these disadvantages, Ogle argues, "all of the benefits are derived without giving up any of the prerogatives that would ordinarily rest with single-house committees" (1974, 171).

What to Expect

The existing research on joint committees in state legislatures is fairly broad and is mostly focused on case studies and the advantages and disadvantages of such a committee system. There are currently no significant in-depth studies that use both empirical data and

qualitative analysis to compare state legislatures that primarily use joint committees to state legislatures that primarily use traditional bicameral committees. I intend to fill this gap through my own in-depth study in the following chapters that will compare the joint committee system primarily used in the Connecticut, Maine, and Massachusetts state legislatures to the traditional bicameral committee system primarily used in the New Hampshire, Vermont, and Rhode Island state legislatures. Part of this study will use qualitative methods to compare the advantages and disadvantages of both state legislative committee systems, which is similar to the methods used by Fairlie (1932, 37), Francis and Riddlesperger (1984, 469), and Ogle (1974). The other part of this study will use quantitative methods to compare the number of House and Senate bills passing both chambers to the number passing one chamber only, which is similar to the methods used by Clem (1978, 1) in his study of the committee system in the South Dakota state legislature.

This in-depth study will be organized as follows: Chapter 2 will present profiles of each of the New England state legislatures, which include basic institutional characteristics and a breakdown of each state's legislative committee structure. Chapter 3 will present an overview of the legislative process in the New England states with a focus on the procedural differences between legislatures that primarily use joint committees and legislatures that primarily use traditional bicameral committees. Chapter 4 will present an overview of conference committees and analyze them as a pre-existing form of joint standing committees in traditional state legislatures. Chapter 5 will present an analysis of empirical data that compares the ratio of bills that pass both chambers to the number of bills that pass only one chamber in state legislatures that primarily use joint committees to state legislatures that primarily use traditional bicameral

committees. Chapter 6 will present a conclusion of my findings and recommendations for what state legislatures can do to operate more effectively.

Chapter 2: New England State Legislature Profiles

For my analysis of joint committees, I chose to focus on the other New England states of New Hampshire, Rhode Island, and Vermont in addition to the joint committee states of Connecticut, Maine, and Massachusetts. In this chapter, I will discuss why I selected these states to analyze and provide specific background information regarding the legislatures in the states. I have organized this background information into profiles for each of the New England states, each of which includes a breakdown of the specific committees utilized by each chamber in each state's legislature.

I selected the New England states because of their shared history and unique political culture. The New England states share a common heritage, which stems from settlement efforts by the English beginning in 1620 (O'Keefe 2014). Like the other original colonies, New England was originally an economic venture but "took on a distinct character from the prominence of religious dissidents among the earliest settlers" (O'Keefe 2014). These early communities formed local institutions to govern themselves and gave individual citizens a fair amount of political autonomy, which helped shape the institutions that govern these states today (O'Keefe 2014).

The unique political culture of the New England states is commonly exemplified by the town meeting, which is considered to be one of the only direct democracy institutions still in use in the United States (Zimmerman 1999, xii). The New England town meeting puts the power of local lawmaking directly in the hands of voters, with no intermediaries in place between the voters and public decisions (Zimmerman 1999, xii). It has been said that public hearings at the state legislative level in this region can be looked upon as a form of participatory democracy that is rooted in the concept of New England town meeting, at least in the case of Connecticut (Satter

2004, 90). The state legislatures in New England definitely seem to welcome public participation in the process, especially in comparison to the U.S. Congress.

The modern political culture of the New England states has a strong Democratic advantage, which stems from the fact that national issues tend to dominate the public's view of political parties and national issues and forces tend to have strong impacts on statewide and local elections (Curry 2008, 6-7). The influence of national issues and forces makes it especially difficult for local Republicans to win legislative majorities in the fairly liberal and moderate constituencies of New England because voters often associate them with the conservatism of the national Republican Party (Curry 2008, 7). It seems to me that this disconnect is more often overcome in statewide Congressional races, at least prior to 2006, and gubernatorial races than in state legislative races. This national influence helps create a regional political system in New England that promotes and perpetuates the domination of the Democratic Party and liberal policy preferences and forces Republicans to demonstrate their moderation in separation from the national party (Curry 2008, 7). Below are profiles of the New England state legislatures, which include information about the partisan makeup of these institutions, starting with state legislatures and mainly use joint committees.

States That Use Joint Committees

Connecticut

The Connecticut General Assembly is a part-time, professional legislature that consists of two chambers: the Senate and the House of Representatives. The Senate has 36 members who are elected from single districts of approximately 94,000 people. The House has 151 members who are elected from single districts of approximately 22,000 people (Satter 2004, 18). The

Senate is led by the President pro tempore and the House is led by the Speaker of the House. Senators and representatives are elected for two-year terms and are paid an annual salary of \$28,000 plus travel expenses. Members of the leadership receive higher salaries. Legislators generally serve part-time and have jobs in their communities in addition to their legislative duties (Satter 2004, 19).

The General Assembly meets in regular session for five months (from January to June) in odd numbered years and for three months (from February to May) in even numbered years (Satter 2004, 19). Legislators are allowed to pre-file bills, which must be submitted within the first 10 days of session in odd numbered years or the first three days in even numbered years. These deadlines can be overridden by a two-thirds vote of the membership of each house or by the leadership through the emergency certification process. Bills that are not acted upon do not carry over from session to session and must be reintroduced each session (Council of State Governments 2013, 92-4).

There are 21 joint standing committees, 3 joint statutory committees, and 2 joint select committees (Council of State Governments 2013, 112-3; Connecticut General Assembly 2012). The members and chairpersons of these committees are appointed by the presiding officers of each chamber, who accept the nominations of minority party committee members from the minority party leaders of each chamber. Each committee has a chair and vice chair from the majority party of each chamber and a ranking member from the minority party of each chamber (Satter 2009, 88). The committees and their membership are listed in the table below.

Table 2A: Connecticut Legislative Committees*

Joint Standing Committee	Total Members	Majority Party	Minority Party	Senators	Representatives
Aging	13	9	4	3	10
Appropriations	55	36	19	11	44

Banks	18	12	6	3	15
Commerce	19	12	7	4	15
Education	33	21	12	6	27
Energy and Technology	23	15	8	3	20
Environment	30	20	10	3	27
Executive and Legislative Nominations	18	12	6	8	10
Finance, Revenue and Bonding	52	34	18	10	42
General Law	18	12	6	5	13
Government Administration and Elections	15	10	5	3	12
Higher Education and Employment Advancement	20	13	7	3	17
Housing	11	7	4	3	8
Human Services	18	12	6	3	15
Insurance and Real Estate	20	13	7	3	17
Judiciary	45	29	16	10	35
Labor and Public Employees	11	7	4	3	8
Planning and Development	21	13	8	3	18
Public Health	28	18	10	6	22
Public Safety and Security	25	16	9	5	20
Regulation Review	15	8	7	6	9
Transportation	38	25	13	9	29

Joint Statutory Committee	Total Members	Majority Party	Minority Party	Sena-tors	Represent-atives
Internship	12	6	6	6	6
Legislative Management	29	19	10	11	18
Program Review and Investigations	12	6	6	6	6

Joint Select Committee	Total Members	Majority Party	Minority Party	Sena-tors	Represent-atives
Select Veterans' Affairs	10	7	3	3	7
Select Children	12	8	4	3	9

*(Connecticut General Assembly 2013a)

The Senate and House have both been under Democratic control since 1997. Between 1995 and 2010 the governor was a Republican and since 2011 the governor has been a Democrat (Lucy Burns Institute 2014). During the 2009-2010 legislature, legislators introduced 3,925 bills,

both chambers enacted 448 bills into law, and the governor vetoed 32 bills, seven of which were overridden by the House and Senate (Council of State Governments 2010, 147-8; Council of State Governments 2011, 110). In the Senate, 24 senators were Democrats and 12 were Republicans. In the House, 114 representatives were Democrats and 37 were Republicans (Council of State Governments 2010, 101). During the 2011-2012 legislature, legislators introduced 3,132 bills, both chambers enacted 273 bills into law, and the governor did not veto any bills (Council of State Governments 2012, 163). In the Senate, 22 senators were Democrats and 14 were Republicans. In the House, 99 representatives were Democrats and 52 were Republicans (Council of State Governments 2012, 118).

Maine

The Maine State Legislature is a part-time, citizen legislature that consists of two chambers: the Senate and the House of Representatives (Squire and Moncrief 2009, 78). The Senate has 35 members who are elected from single districts of approximately 37,000. The House has 151 members who are elected from single districts of approximately 9,000. In addition, the House has two nonvoting members who represent the state's Native American population (Lucy Burns Institute 2014). The Senate is led by the President of the Senate and the House is led by the Speaker of the House (Squire and Moncrief 2009, 126). Senators and representatives are elected for two-year terms and are paid \$13,852 for the first session, \$9,661 for the second session, \$38 per day for travel expenses, and \$32 per day for meals (Lucy Burns Institute 2014). Since their salary is so low, only 2.1% of Maine legislators list full-time legislator as their occupation, which means they likely have jobs in their communities in addition to their legislative duties (National Conference of State Legislatures 2007a).

The legislature meets in regular session for eight months (from December to July) in odd numbered years, for what is known as the first session, (Council of State Governments 2012, 163) and five months (from January to May) in even numbered years, for what is known as the second session (Council of State Governments 2013, 104). Legislators are allowed to pre-file bills, which must be submitted before the cloture date established by the Legislative Council (Council of State Governments 2013, 92-4). In the 2009 session, this cloture date was January 16, which was approximately one month into the session. The cloture deadline can be overridden by a majority vote of the Legislative Council (Council of State Governments 2013, 94). Bills that are not acted upon during the first session are allowed to carry over into the second session (Council of State Governments 2013, 92).

There are 17 joint standing committees, 2 joint select committees, and a joint Government Oversight Committee. In addition, the Senate has 5 standing committees and the House has 6 standing committees (Council of State Governments 2013, 112). These separate chamber committees mainly deal with procedural and chamber specific matters (Maine State Legislature 2013a). Committee members and chairpersons are appointed by the Senate President and the Speaker of the House (Council of State Governments 2013, 112). Each committee has a chairperson selected from the majority party of each chamber and a single ranking member from the minority party from one of the two chambers (Maine State Legislature 2013a). The committees and their membership are listed in the table below.

Table 2B: Maine Legislative Committees*

Joint Standing Committee	Total Members	Majority Party	Minority Party	Senators	Representatives
Agriculture, Conservation and Forestry	13	8	5	3	10
Appropriations and Financial Affairs	13	8	5	3	10
Criminal Justice and Public Safety	13	7	6	3	10

Education and Cultural Affairs	13	8	5	3	10
Energy, Utilities and Technology	13	7	6	3	10
Environment and Natural Resources	13	8	5	3	10
Health and Human Services	13	8	5	3	10
Inland Fisheries and Wildlife	13	8	5	3	10
Insurance and Financial Services	13	7	6	3	10
Judiciary	13	7	6	3	10
Labor, Commerce, Research and Economic Development	13	8	5	3	10
Marine Resources	13	7	6	3	10
State and Local Government	13	7	6	3	10
Taxation	13	8	5	3	10
Transportation	13	8	5	3	10
Veterans and Legal Affairs	13	7	6	3	10

Joint Select Committee	Total Members	Majority Party	Minority Party	Senators	Representatives
Joint Rules	10	6	4	5	5
Regulatory Fairness and Reform	15	9	6	5	10

Government Oversight Committee	12	6	6	6	6
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*(Maine State Legislature 2013a)

Between 2003 and 2010, both the Senate and House were under Democratic control. In 2011 and 2012, the Republicans gained control of both chambers. In 2013, both chambers went back to the Democrats. Between 2003 and 2010 the governor was a Democrat and since 2011 the governor has been a Republican (Lucy Burns Institute 2014). During the 123rd Legislature (2009-2010), legislators introduced 1,832 bills, both chambers enacted 908 bills into law, and the governor vetoed only 1 bill (Council of State Governments 2010, 147; Council of State Governments 2011, 110). In the Senate, 20 senators were Democrats and 15 were Republicans. In the House, 96 representatives were Democrats, 54 representatives were Republicans, and 1 representative was unenrolled (Council of State Governments 2010, 101-2). During the 124th Legislature (2011-2012), legislators introduced 1,913 bills, both chambers enacted 897 bills, and the governor vetoed 24 bills (Council of State Governments 2012, 163; Council of State

Governments 2013, 104). In the Senate, 14 senators were Democrats, 20 senators were Republicans, and 1 senator was unenrolled. In the House, 72 representatives were Democrats, 78 representatives were Republicans, and 1 representative was unenrolled (Council of State Governments 2011, 83-4).

Massachusetts

The General Court of the Commonwealth of Massachusetts is a full-time, professional legislature that consists of two chambers: the Senate and the House of Representatives (Squire and Moncrief 2009, 79). The Senate has 40 members who are elected from single districts of approximately 164,000 people. The House has 160 members who are elected from single districts of approximately 41,000 people (Lucy Burns Institute 2014). The Senate is led by the President of the Senate and the House is led by the Speaker of the House (Squire and Moncrief 2009, 126). Senators and representatives are elected for two-year terms and are paid an annual salary of \$61,133 plus between \$10 and \$100 per diem, depending upon their distance from the state house (Lucy Burns Institute 2014). Since the legislature meets year-round and salaries are so high by legislative standards, 57.7% of Massachusetts legislators list full-time legislator as their occupation (National Conference of State Legislatures 2007a).

The General Court meets in regular session each year from January through December (Council of State Governments 2013, 104). Each General Court is made up of two sessions, one odd numbered year and one even numbered year (Massachusetts General Court 2013).

Legislators are allowed to pre-file bills, which must be submitted by the first Wednesday in November in odd numbered years and the first Wednesday in December in even numbered years. This deadline can be overridden by a two-thirds vote of the members present and voting (Council

of State Governments 2013, 92-4). Bills that are not acted upon during the first session of each General Court are allowed to carry over into the second session (Council of State Governments 2013, 92).

There are 27 joint standing committees, 7 Senate standing committees, and 9 House standing committees (Council of State Governments 2013, 112). Each committee has a chair and vice chair from the majority party of each chamber and it is unclear if any minority party members are designated as ranking members (Massachusetts General Court 2014). Although Massachusetts primarily uses joint committees to consider legislation, the separate Senate and House committees are used to consider important pieces of legislation. Most appropriations bills are considered by the separate House and Senate Ways and Means committees, rather than the joint Ways and Means Committee. It appears that the joint Ways and Means Committee is mainly used to hold joint public hearings, especially during the budget process (Commonwealth of Massachusetts 2013). The joint Ways and Means Committee is made up of the members from both the House and Senate Ways and Means committees (Massachusetts General Court 2013). The other separate House and Senate committees mainly deal with procedural matters that are specific to each individual chamber (Massachusetts General Court 2013). Committee members and chairpersons are appointed by the President of the Senate and the Speaker of the House (Council of State Governments 2013, 112). The committees and their membership are listed in the table below.

Table 2C: Massachusetts Legislative Committee Membership*

Joint Standing Committee	Total Members	Majority Party	Minority Party	Senators	Representatives
Children, Families and Persons With Disabilities	17	14	3	6	11
Community Development and Small Businesses	17	14	3	6	11

Consumer Protection and Professional Licensure	17	17	3	6	11
Economic Development and Emerging Technologies	20	17	3	7	13
Education	17	14	3	6	11
Elder Affairs	17	14	3	6	11
Election Laws	17	14	3	6	11
Environment, Natural Resources and Agriculture	17	14	3	6	11
Financial Services	17	14	3	6	11
Health Care Financing	20	17	3	7	13
Higher Education	17	14	3	6	11
Housing	17	14	3	6	11
Judiciary	17	14	3	6	11
Labor and Workforce Development	17	14	3	6	11
Mental Health and Substance Abuse	17	14	3	6	11
Municipalities and Regional Government	17	14	3	6	11
Public Health	17	14	3	6	11
Public Safety and Homeland Security	17	14	3	6	11
Public Service	17	14	3	6	11
Revenue	17	14	3	6	11
Rules	21	16	5	6	15
State Administration and Regulatory Oversight	17	14	3	6	11
Telecommunications, Utilities and Energy	17	14	3	6	11
Tourism, Arts and Cultural Development	17	14	3	6	11
Transportation	20	17	3	7	13
Veterans and Federal Affairs	17	14	3	6	11
Ways and Means	48	41	7	16	32

Senate Committee	Total Members	Majority Party	Minority Party
Bills in the Third Reading	5	4	1
Bonding, Capital Expenditures and State Assets	6	5	1
Post Audit and Oversight	7	6	1
Ethics and Rules	6	4	2

Global Warming and Climate Change	6	5	1
Steering and Policy	5	4	1
Ways and Means	17	15	2

House Committee	Total Members	Majority Party	Minority Party
Rules	15	12	3
Ways and Means	32	26	6
Bills in the Third Reading	3	2	1
Ethics	11	7	4
Personnel and Administration	13	9	4
Post Audit and Oversight	11	9	2
Steering, Policy and Scheduling	11	9	2
Bonding, Capital Expenditures and State Assets	11	9	2
Global Warming and Climate Change	11	9	2

*(Commonwealth of Massachusetts 2013; Lucy Burns Institute 2014)

Between 1992 and 2006 the governor was a Republican and since 2007 the governor has been a Democrat (Lucy Burns Institute 2014). During the 186th General Court (2009-2010), legislators introduced 12,209 bills, both chambers enacted 680 bills into law, and the governor vetoed only 1 bill (Council of State Governments 2010, 147; Council of State Governments 2011, 110). In the Senate, 35 senators were Democrats and 5 senators were Republicans. In the House, 143 representatives were Democrats, 16 representatives were Republicans, and 1 representative was an independent (Council of State Governments 2010, 101-2). During the 187th General Court (2011-2012), legislators introduced 13,331 bills, both chambers enacted 917 bills into law, and the governor vetoed 5 bills (Council of State Governments 2012, 163; Council of State Governments 2013, 104). In the Senate, 36 senators were Democrats and 4 senators were Republicans. In the House, 128 representatives were Democrats, 31 representatives were Republicans, and there was 1 vacancy (Council of State Governments 2011, 83).

States That Use Traditional Bicameral Committees

New Hampshire

The New Hampshire General Court is a part-time, citizen legislature that consists of two chambers: the Senate and the House of Representatives (Squire and Moncrief 2009, 79). The Senate has 24 members who are elected from single districts of approximately 55,000 people. The House has 400 members who are elected from single districts of approximately 4,000 people (Lucy Burns Institute 2014). The Senate is led by the President of the Senate and the House is led by the Speaker of the House (Squire and Moncrief 2009, 126). Senators and representatives are elected for two-year terms and are paid \$200 per term plus travel expenses (Council of State Governments 2013, 72). Since New Hampshire legislative salaries are the lowest in the nation, only 0.5% of legislators list full-time legislator as their occupation (National Conference of State Legislatures 2007a). New Hampshire legislators need an outside job in order to make a living.

The General Court meets in regular session for six months (from January to July) in odd numbered years and five months (from January to June) in even numbered years (Lucy Burns Institute 2014). Legislators are allowed to pre-file bills, which must be submitted by a predetermined deadline determined by the rules of each chamber at the beginning of each session. This deadline can be overridden by a two-thirds vote of members present (Council of State Governments 2013, 94). Bills that are not acted upon during the first session of each General Court are allowed to carry over into the second session (Council of State Governments 2013, 92).

There are 11 Senate standing committees and 21 House standing committees (Lucy Burns Institute 2014). Committee members and chairpersons are appointed by the President of the Senate and the Speaker of the House in consultation with minority leaders (Council of State

Governments 2013, 112-3). Each committee has a chairperson and vice chairperson selected from the majority party committee members and one committee member is selected to serve as the committee's clerk. It is unclear if any minority party members are designated as ranking members (New Hampshire General Court 2014). The committees and their membership are listed in the table below.

Table 2D: New Hampshire Legislative Committees*

House Standing Committees	Total Members	Majority Party	Minority Party
Children and Family Law	17	13	4
Commerce and Consumer Affairs	18	14	4
Criminal Justice and Public Safety	17	13	4
Education	17	13	4
Election Law	17	13	4
Environment and Agriculture	18	13	5
Executive Departments and Administration	16	12	4
Finance	26	20	6
Fish and Game and Marine Resources	17	12	5
Health, Human Services and Elderly Affairs	18	13	5
Judiciary	17	13	4
Labor, Industrial and Rehabilitative Services	17	13	4
Legislative Administration	20	15	5
Municipal and County Governments	17	13	4
Public Works and Highways	18	13	5
Resources, Recreation and Development	17	12	5
Rules	9	7	2
Science, Technology and Energy	18	12	6
State-Federal Relations and Veterans Affairs	17	12	5
Transportation	17	12	5
Ways and Means	21	16	5

Senate Standing Committees	Total Members	Majority Party	Minority Party
Capital Budget	6	5	1
Commerce	6	5	1
Energy and Natural Resources	5	4	1
Executive Departments and Administration	5	4	1

Finance	7	6	1
Health, Education and Human Services	5	4	1
Judiciary	4	3	1
Public and Municipal Affairs	5	4	1
Rules, Enrolled Bills and Internal Affairs	5	4	1
Transportation	5	4	1
Ways and Means	6	5	1

*(Lucy Burns Institute 2014)

Looking at the above table, it is obvious that there is not much overlap between House and Senate committee names. Both the Senate and House have the following committees: Finance, Government Oversight, Judiciary, Labor, and Rules. Executive Departments and Administration, Finance, Judiciary, Transportation, and Ways and Means. Both chambers also have committees with similar names that cover similar subject areas. The Senate has a Commerce Committee, while the House has a Commerce and Consumer Affairs Committee that covers a similar subject area. The Senate has a Health, Education and Human Services Committee, while the House has separate Education and Health, Human Services and Elderly Affairs committees that cover the same subject area. The Senate has a Public and Municipal Affairs Committee, while the House has a Municipal and County Government Committee that covers a similar subject area. Finally, the Senate has a Rules, Enrolled Bills and Internal Affairs Committee, while the House has a Rules Committee that covers the same subject area.

The rest of the committees do not seem to have a similar counterpart in the other chamber. For example, it is unclear where a bill from the House Labor, Industrial and Rehabilitative Services Committee would be referred once it reaches the Senate. If the bill in question concerned a labor issue, it would likely be referred to the Senate Commerce Committee, but if it concerned a rehabilitative services issue, it may be referred to the Senate Health, Education and Human Services Committee. This disconnect between Senate and House committees means that members of each of the committees that consider a particular bill will have vastly different levels

of expertise on the issue in question. Since House committees seem to cover more specialized subject areas, it is likely that the Senate committees might defer to the expertise of House committees on bills relating to these specialized subject areas. More discussion of this subject can be found in Chapter 3.

Between 2007 and 2010, both the Senate and House were under Democratic control. In 2011 and 2012, both chambers were under Republican control. Currently, the Senate is under Republican control and the House is under Democratic control. Since 2005, the governor has been a Democrat (Lucy Burns Institute 2014). During the 2009-2010 General Court, legislators introduced 1,687 bills, both chambers enacted 710 bills into law, and the governor vetoed 15 bills (Council of State Governments 2010, 147; Council of State Governments 2011, 110). In the Senate, 14 senators were Democrats and 10 were Republicans. In the House, 225 representatives were Democrats and 175 were Republicans (Council of State Governments 2010, 101). During the 2011-2012 General Court, legislators introduced 1,714 bills, both chambers enacted 555 bills into law, and the governor vetoed 21 bills (Council of State Governments 2012, 163; Council of State Governments 2013, 104). In the Senate, 5 senators were Democrats and 19 were Republicans. In the House, 104 representatives were Democrats and 292 were Republicans (Council of State Governments 2012, 118).

Rhode Island

The Rhode Island General Assembly is a part-time, amateur legislature that consists of two chambers: the Senate and the House of Representatives (Squire and Moncrief 2009, 79-81). The Senate has 38 members who are elected from single districts of approximately 28,000 people. The House has 75 members who are elected from single districts of approximately

15,000 people (Lucy Burns Institute 2014). The Senate is led by the President pro tempore and the House is led by the Speaker of the House (Squire and Moncrief 2009, 126). Senators and representatives are elected for two-year terms (Lucy Burns Institute 2014) and are paid an annual salary of \$14,640 plus travel expenses (Council of State Governments 2013, 72). Since the legislative pay is so low, zero legislators list full-time legislator as an occupation, which means they likely have jobs in their communities in addition to their legislative duties in order to make a living (National Conference of State Legislatures 2007b).

The General Assembly meets in regular session for six months (from January to July) in odd numbered years and for five months (from January to June) in even numbered years (Lucy Burns Institute 2014). Legislators are allowed to pre-file bills, which must be submitted by the second week of February. This deadline can be overridden if the sponsor gives the legislature one legislative day’s notice. Bills that are not acted upon during regular session in odd-numbered years are allowed to carry over to the next year's regular session (Council of State Governments 2013, 92-4).

There are 10 Senate standing committees, 11 House standing committees, and 3 joint standing committees. Committee members and chairpersons are appointed by the Senate President pro tempore and the Speaker of the House (Council of State Governments 2013, 112). Each committee has a chairperson and vice chairperson selected from the majority party committee members and one committee member is selected to serve as the committee’s secretary (Lucy Burns Institute 2014). The committees and their membership are listed in the table below.

Table 2E: Rhode Island Legislative Committees*

House Standing Committees	Total Members	Majority Party	Minority Party
Corporations	13	11	2
Environment and Natural Resources	11	9	2
Finance	16	13	3

Health, Education and Welfare	13	11	2
Judiciary	14	12	2
Labor	13	11	2
Municipal Government	14	12	2
Oversight	11	9	2
Rules	10	8	2
Small Business	11	9	2
Veterans' Affairs	12	10	2

Senate Standing Committees	Total Members	Majority Party	Minority Party
Commerce	10	6	4
Education	7	5	2
Environment and Agriculture	7	5	2
Finance	10	8	2
Government Oversight	8	6	2
Health and Human Services	8	7	1
Housing and Municipal Government	8	7	1
Judiciary	10	8	2
Labor	8	6	2
Rules	6	5	1
Special Legislation and Veterans' Affairs	9	7	2

*(Lucy Burns Institute 2014)

Looking at the table above, it appears that both the Senate and House committees are divided up into comparable subject areas. Both the Senate and House have the following committees: Finance, Government Oversight, Judiciary, Labor, and Rules. Both chambers also have committees with slightly different names that cover similar subject areas. The Senate has a Commerce Committee, while the House has separate Corporations and Small Business committees that cover the same subject area. The House has a Health, Education and Welfare Committee, while the Senate has separate Education and Health and Human Services committees that cover the same subject area. The Senate has an Environment and Agriculture Committee, while the House has an Environment and Agriculture Committee that covers a similar subject area. The Senate has a Housing and Municipal Government Committee, while the House has a Municipal Government Committee that covers a similar subject area. Finally, the House has a

Veterans' Affairs Committee, while the Senate has a Special Legislation and Veterans' Affairs Committee that covers a similar subject area. In comparison to New Hampshire, the division of committees in the separate chambers of the Rhode Island State Legislature is much more straightforward and complementary. Therefore, the members of the Senate committees are more likely to have the same level of expertise on the issues before their committee as their House counterparts.

Since 1992, both the Senate and House have been under Democratic control. Between 1995 and 2010, the governor was a Republican. Since 2011, the governor has been an independent, but he recently changed his party affiliation to the Democratic Party (Lucy Burns Institute 2014). During the 2009-2010 legislature, legislators introduced 4,749 bills, both chambers enacted 917 bills into law, and the governor vetoed 59 bills, 29 of which were overridden by the House and Senate (Council of State Governments 2010, 147-8; Council of State Governments 2011, 110). In the Senate, 33 senators were Democrats, 4 were Republicans, and 1 was an independent. In the House, 69 representatives were Democrats and 6 were Republicans (Council of State Governments 2010, 101-2). The Democrats had a super majority in both chambers. During the 2011-2012 legislature, legislators introduced 4,794 bills, both chambers enacted 1,180 bills into law, and the governor vetoed 20 bills (Council of State Governments 2012, 163; Council of State Governments 2013, 104). In the Senate, 29 senators were Democrats, 8 were Republicans, and 1 was an independent. In the House, 65 representatives were Democrats and 10 were Republicans (Council of State Governments 2012, 118). The Democrats again had a super majority in both chambers.

Vermont

The Vermont State Legislature is a part-time, citizen legislature that consists of two chambers: the Senate and House of Representatives (Squire and Moncrief 2009, 78-80). The Senate has 30 members who are elected from three single-member districts, six two-member districts, three three-member, and one six-member district. Each senator represents approximately 21,000 constituents. The House has 150 members who are elected from 66 single-member districts and 42 two-member districts. Each representative represents approximately 5,000 constituents (Lucy Burns Institute 2014). The Senate is led by the President pro tempore of the Senate and the House is led by the Speaker of the House (Squire and Moncrief 2009, 126). Senators and representatives are elected for two-year terms (Lucy Burns Institute 2014) and are paid \$647.12 per week during the legislative session only plus travel and meal expenses (Council of State Governments 2013, 73). Only 3.4% of legislators list full-time legislator as their occupation, which is consistent with the Vermont State Legislature's categorization as a citizen legislature (National Conference of State Legislatures 2007b).

The legislature meets in regular session each year for approximately 4 months from January to May (Lucy Burns Institute 2014). Legislators are allowed to have bills drafted before the start of each legislature, but cannot be officially filed until the first day of session (Council of State Governments 2013, 92-3). In the House, bills must be filed by the last day of February during the first session and by the last day of January during the second session. In the Senate, bills must be filed by the 53rd calendar day of session during the first session and 25 calendar days before the start of the second session. This deadline can be overridden with approval from the Rules Committee (Council of State Governments 2013, 96). Bills that are not acted upon during the first session are allowed to carry over into the second session (Council of State Governments 2013, 92).

There are 12 Senate standing committees, 15 House standing committees, and 13 joint standing committees (Council of State Governments 2013, 112). Committee members and chairpersons are appointed by a Committee on Committees in the Senate and the Speaker of the House in the House (Council of State Governments 2013, 112). Each committee has a chairperson and vice chairperson selected from the majority party committee members, a ranking member selected from the minority party committee members, and one committee member is selected to serve as the committee’s clerk. Although Vermont has joint committees, they do not appear to have any legislative authority and mainly function as oversight committees that meet both during and between legislative sessions (Vermont General Assembly 2014). According to the joint rules, Senate and House committees that cover similar subject areas are allowed to meet together as joint committees for the purpose of public hearings, but must take action separately and report only to their respective houses (Vermont General Assembly 2014). The committees and their membership are listed in the table below.

Table 2F: Vermont Legislative Committees*

House Standing Committees	Total Members	Majority Party	Minority Party
Agriculture and Forest Products	11	6	5
Appropriations	12	7	5
Commerce and Economic Development	11	7	4
Corrections and Institutions	11	7	4
Education	11	7	4
Fish, Wildlife & Water Resources	9	6	3
General, Housing and Military Affairs	8	5	3
Government Operations	11	7	4
Health Care	11	7	4
Human Services	11	7	4
Judiciary	11	7	4
Natural Resources & Energy	11	7	4
Rules	7	4	3

Transportation	11	7	4
Ways and Means	11	7	4

Senate Standing Committees	Total Members	Majority Party	Minority Party
Agriculture	5	3	2
Appropriations	7	5	2
Economic Development, Housing and General Affairs	5	3	2
Education	5	3	2
Finance	7	5	2
Government Operations	5	3	2
Health and Welfare	5	3	2
Institutions	5	4	1
Judiciary	5	4	1
Natural Resources and Energy	5	3	2
Transportation	5	3	2
Rules	5	3	2

Joint Standing Committee	Total Members	Majority Party	Minority Party	Senators	Representatives
Administrative Rules	8	5	3	4	4
Joint Fiscal	10	8	2	5	5
Joint Rules	7	5	2	4	3
Legislative Council	8	6	2	4	4
Corrections Oversight	9	7	2	4	5
Energy	7	5	2	4	3
Government Accountability	12	9	3	6	6
Health Access Oversight	9	7	2	4	5
Judicial Retention	8	6	2	4	4
Judicial Rules	8	4	4	4	4
Legislative Information Technology	8	4	4	4	4
Mental Health Oversight	7	5	2	3	4
Transportation Oversight	6	5	1	3	3

*(Lucy Burns Institute 2014)

Looking at the table above, it appears that the Senate and House committees are divided up into complementary subject areas. The Senate and House both have the following committees in common: Appropriations, Education, Government Operations, Judiciary, Natural Resources

and Energy, Transportation, and Rules. Both chambers also have committees with slightly different names that cover similar subject areas. The Senate has an Agriculture Committee, while the House has separate Agriculture and Forest Products and Fish, Wildlife and Water Resources committees that cover the same subject areas. The Senate has an Economic Development, Housing and General Affairs Committee, while the House has separate General, Housing and Military Affairs and Commerce and Economic Development committees that cover a similar subject area. The Senate has a Finance Committee, while the House has a Ways and Means Committee that deals with similar financial matters. The Senate has a Health and Welfare Committee, while the House has separate Health Care and Human Services committees that cover a similar subject area. Finally, the House has a Corrections and Institutions Committee, while the Senate has an Institutions Committee that covers a similar subject area. Like Rhode Island, the House and Senate committees of the Vermont State Legislature definitely seem to be divided into similar subject areas that complement each other. Therefore, the members of the Senate committees are likely to have the same amount of expertise on the issues they deal with as their House counterparts.

Since 2005, both the Senate and House have been under Democratic control. Between 2003 and 2010, the governor was a Republican. Since 2011, the governor has been a Democrat (Lucy Burns Institute 2014). During the 2009-2010 Legislature, legislators introduced 940 bills, both chambers enacted 145 bills into law, and the governor vetoed 3 bills, 1 of which was overridden by the Senate and House (Council of State Governments 2010, 147-8; Council of State Governments 2011, 110-1). In the Senate, 23 senators were Democrats and 7 were Republicans. In the House, 95 representatives were Democrats, 48 were Republicans, 2 were independents, and 5 were Progressives (Council of State Governments 2010, 101-2). During the

2011-2012 Legislature, legislators introduced 1,047 bills, both chambers enacted 188 bills into law, and the governor vetoed 2 bills (Council of State Governments 2012, 163; Council of State Governments 2013, 104). In the Senate, 21 senators were Democrats, 8 were Republicans, and 1 was a Progressive. In the House, 94 representatives were Democrats, 48 were Republicans, 3 were independents, and 5 were Progressives (Council of State Governments 2012, 118-9).

Conclusion

For this thesis, I chose to include the other New England states of New Hampshire, Rhode Island, and Vermont in addition to the joint committee states of Connecticut, Maine, and Massachusetts because they all have a shared history and unique political culture. The states share a common heritage, which is exemplified by the settlement efforts of English religious dissidents who formed local institutions to govern themselves and gave individual citizens a fair amount of political autonomy. The unique political culture of these states is characterized by the town meeting, which is one of the only direct democracy institutions still used in the United States, and a strong Democratic electoral advantage. The purpose of this chapter was to profile the individual New England state legislatures and point out their many similarities and differences, in addition to just the type of committees they primarily use, in an effort to put into perspective the discussion of the legislative process in the quantitative study, which can be found in the next chapters.

Chapter 3: The Legislative Process

The legislative process, through which a bill becomes a law, is a time-consuming process with many steps that takes place within an institution with many time constraints. Proposed bills have to overcome many hurdles and meet a series of deadlines before they reach the governor's desk to be enacted into law (Satter 2009, 84). The key to effective legislating is to maximize the available time by focusing on proposed bills that are most likely to pass through the committee process and the floor of both chambers. The important decision of which bills to focus on is typically made early in the committee process.

Most tangible legislative work takes place in standing committees, which are permanent committees that meet on a regular basis.¹ New England state legislatures use both joint standing committees and traditional bicameral standing committees to conduct legislative business. Joint committees have members from both the Senate and the House of Representatives. These committees are co-chaired by both a senator and a representative, who will typically alternate in presiding over committee meetings and public hearings (Satter 2009, 23). State legislatures with traditional bicameral committees have separate committees for both the Senate and the House. In Connecticut, Maine, and Massachusetts most legislative business is conducted in joint standing committees. In New Hampshire, Rhode Island, and Vermont most legislative business is conducted in traditional bicameral standing committees.

This chapter will detail the legislative process of the New England state legislatures, with an emphasis on the role of committees. I plan to analyze the differences in the legislative process between the states that primarily use joint committees and the states that primarily use traditional bicameral committees as well as the consequences of these differences. The overview of the

¹ Throughout this work, when I refer to committees or joint committees, assume that I am writing about standing committees. If I intend to write about other types of committees, I will specifically refer to them as such.

process will be based on how the Connecticut General Assembly operates because I worked there as an intern for a semester in 2013 and will include variations for the other New England states where applicable.

Introduction of Legislation

The first step in the process is the introduction of legislation by a member of the legislature. Although ideas for legislation can come from many sources, such as constituents, interest groups, lobbyists, or governors, only legislators and legislative committees can officially introduce legislation. A piece of legislation is typically drafted in statutory language by staff attorneys, who work for the legislature, in the form of a bill (Squire and Moncrief 2009, 168). In Maine, the Revisor's Office, Office of Policy and Legal Analysis, and Office of Fiscal and Program Review staff provide research and drafting assistance to individual legislators to help them prepare a bill in proper technical form (Maine State Legislature 2013b). In New Hampshire, the Office of Legislative Services helps individual legislators draft bills (Northeast Information Services 2009, 1). Connecticut is a special case because a proposed bill only consists of a statement of its substance and purpose in simple, non-statutory language (Satter 2009, 86). Connecticut bills can only be officially drafted in statutory language at the request of committees or legislative leaders later in the process (Satter 2009, 87). Therefore, legislators in Connecticut typically draft bills on their own. In all of these legislatures, legislators are welcome to draft or submit bills in full statutory language, but they usually take advantage of the available legal staff to take care of it for them.

A bill is officially introduced when it is submitted to the clerk of the chamber of the primary sponsor, either the House of Representatives or the Senate, which will be referred to as

the first chamber (Squire and Moncrief 2009, 173). In Maine, bills are submitted to the clerk of the House or the secretary of the Senate (Maine State Legislature 2013b). In Rhode Island, prospective bills are submitted to the recording secretary of the House of Representatives or the secretary of the Senate (State of Rhode Island General Assembly 2014). Once a bill is officially introduced, it is assigned an identification number and "read" to the first chamber for the first time. In the interest of time, a bill is not typically read in its entirety, but rather only the bill number, sponsor, and title are read (Squire and Moncrief 2009, 173).

The Committee Process

The committee process is most important because it is where most tangible legislating occurs. Since the number of bills introduced each session is so large, legislatures divide up the workload for reviewing them among standing committees (Squire and Moncrief 2009, 173). During this process, committees "initially screen bills for a semblance of merit; hold hearings to allow the public to provide information and express feelings; shape and modify bills to improve them and gain consensus; deliberate over them; and finally decide whether or not to recommend them to the entire legislature for passage" (Satter 2009, 88). Committees essentially choose the most important pieces of legislation and change them in an effort to ensure that they will pass the full legislature. The importance of a piece of legislation is a subjective measure that is typically based upon how important it is to legislative leaders, the governor, and members of the committee in question, namely those in the majority party (Satter 2009, 89). Since legislative time is in short supply, committees need to carefully select the pieces of legislation to spend that time on, which are those most likely to pass both chambers.

Committee Referral

First, a bill is referred to the appropriate committee (or committees) based upon its subject matter. The committee reference process can be a very important one in terms of the fate of a bill. The committee of reference may have a history of rejecting similar bills, or members of the committee may have personal objections to the content of certain types of bills (Satter 2009, 87). Since this process is so important, a bill will sometimes be sent to a committee that does not seem to be most appropriate in order to either ensure the legislation has a better chance of passing or to ensure the legislation will meet a certain death. In order to be effective, committees need to maximize legislative time by focusing on bills that are more likely to pass both chambers further along in the process. In state legislatures with traditional bicameral committees, a bill will have to be referred to another committee later in the process if it reaches the second chamber for consideration. A detailed list of committees and membership numbers for the New England state legislatures can be found in Chapter 2.

Legislatures With Joint Committees. In Connecticut, the presiding officer of the first chamber makes the committee referral decision. In Maine, the clerk of the House and the secretary of the Senate both recommend the committee that seems most appropriate and a floor vote is taken to approve this referral decision, which tends to be just a formality in most cases (Maine State Legislature 2013b). If there is a disagreement, the final decision is up to the presiding officer of the first chamber (Maine State Legislature 2013b). In Massachusetts, the committee referral power is in the hands of the clerk or assistant clerk of the first chamber (Commonwealth of Massachusetts 2014).

The committee referral process in state legislatures with joint committees is a little more straightforward because both chambers choose the committee (or committees) of reference for a bill from the same list of committees, no matter the chamber considering the bill. Table 3A contains a list of joint standing committees in the Maine State Legislature. For example, if a legislator introduced a bill that would legalize bow hunting of deer on Sundays, it would likely be referred to the Inland Fisheries and Wildlife Committee, whether the bill is under consideration in the House or the Senate. Either way, the bill would go to a committee that has expertise in dealing with issues affecting wildlife.

The process is simpler because the bill only has to be referred to one committee for both the Senate and the House. Most importantly, all of the committee members who will consider the bill sit on one committee, which means they can easily find a consensus on whether or not a particular bill is likely to make it through the committee process. The committee can maximize legislative time by focusing on bills on which they are able to reach a consensus and putting aside the ones on which they are not. The institutional arrangement of joint committees is more conducive to consensus building between chambers.

Table 3A: Maine Joint Standing Committees*

Joint Standing Committee		
Agriculture, Conservation and Forestry	Health and Human Services	Marine Resources
Appropriations and Financial Affairs	Inland Fisheries and Wildlife	State and Local Government
Criminal Justice and Public Safety	Insurance and Financial Services	Taxation
Education and Cultural Affairs	Judiciary	Transportation
Energy, Utilities and Technology	Labor, Commerce, Research and Economic Development	Veterans and Legal Affairs

*(Maine State Legislature 2013a)

Legislatures With Traditional Bicameral Committees. The committee referral process in New Hampshire, Rhode Island, and Vermont is a little more complex because the separate chambers choose the committee (or committees) of reference from separate lists of committees, depending upon the chamber considering the bill. In these state legislatures, this decision is made by the presiding officer of the first chamber (Northeast Information Services 2009, 1; State of Rhode Island General Assembly 2014; Vermont General Assembly 2014). Table 3B contains a list of standing committees in the New Hampshire General Court. For example, if a legislator introduced a bill that would legalize bow hunting of deer on Sundays, it would likely be referred to the Fish and Game and Marine Resources Committee if under consideration in the House and the Energy and Natural Resources Committee if under consideration in the Senate.

The process is more involved because the bill has to be referred to separate committees for both the Senate and the House. When senators and representatives sit on separate committees, it is more difficult to find a consensus on whether or not a particular bill will make it through the committee process of both chambers. The separate bicameral committees are unable to maximize legislative time because they have to guess what the other chamber's committee is going to do with the bill. The chairperson of the committees in question could meet with each other to find out what the other chamber's committee is going to do with the bill, but this is not as effective as having all of the committee members around the same table in a formal setting.

For example, if the New Hampshire House Health, Human Services and Elderly Affairs Committee considered a bill that would legalize assisted suicide, which a majority of its members supported, it would seem to be a good use of legislative time to work on the bill and eventually give it a favorable committee report. However, a majority of senators on the Senate Health, Education and Human Services Committee, which this hypothetical bill would

eventually be referred to once it reaches the Senate, have moral objections to supporting the bill. The only way that the House committee would find out about the moral objections of these senators would be for the chairperson of either of these committees to go out of his or her way to talk to the chairperson of the other committee. If these senators and representatives sat together on a joint committee, the senators in question would be sure to express their moral objections early in the process, which would help the committee members reach the consensus that spending more time on an assisted suicide bill that is unlikely to pass both chambers would be a waste of precious legislative time.

For another example, in which a compromise could be reached, the New Hampshire Senate Public and Municipal Affairs Committee gives a favorable report to a gun control bill that would institute an assault weapons ban and make it illegal for anyone under the age of 21 to purchase any type of firearm. The bill is subsequently passed by the Senate and sent on to the House for further action. In the House, the bill is referred to the House Criminal Justice and Public Safety Committee, where a majority of the committee members are military veterans. These members argue that it would be unjust to make it illegal for members of the military under the age of 21 to purchase a firearm, when they are trusted to handle firearms to protect their fellow citizens. After hearing these objections, the full committee gives the bill a favorable report and recommends that it be amended to make it illegal for anyone under the age of 18 to purchase any type of firearm, instead of anyone under the age of 21. The House passes the bill with recommended amendment and it is sent back to the Senate to consider the bill with the House amendment. The Senate can then either accept the amendment, which means the bill would be sent directly to the governor, or reject the amendment, which would waste more legislative time

and could even force both chambers to convene a conference committee to work out the differences.

If the senators and representatives in this example sat on the same joint committee, the representatives in question could have expressed their objections earlier in the process and the committee could have amended the bill before it even reached the first chamber for a vote. The use of joint committees would have saved precious legislative time by working out a compromise earlier in the process. Therefore, the institutional arrangement of traditional bicameral committees is less conducive to consensus building and compromise between chambers and wastes precious legislative time.

Table 3B: New Hampshire Standing Committees*

House Standing Committees		Senate Standing Committees
Children and Family Law	Labor, Industrial and Rehabilitative Services	Capital Budget
Commerce and Consumer Affairs	Legislative Administration	Commerce
Criminal Justice and Public Safety	Municipal and County Governments	Energy and Natural Resources
Education	Public Works and Highways	Executive Departments and Administration
Election Law	Resources, Recreation and Development	Finance
Environment and Agriculture	Rules	Health, Education and Human Services
Executive Departments and Administration	Science, Technology and Energy	Judiciary
Finance	State-Federal Relations and Veterans Affairs	Public and Municipal Affairs
Fish and Game and Marine Resources	Transportation	Rules, Enrolled Bills and Internal Affairs
Health, Human Services and Elderly Affairs	Ways and Means	Transportation

*(Lucy Burns Institute 2014)

Public Hearings

Next, committees hold public hearings to learn more about the bills that are referred to them. The goal of a public hearing is to gauge public sentiment on a prospective piece of legislation and to learn information on its substantive merit (Satter 2009, 91). The people who testify at public hearings include sponsoring legislators, other interested legislators, representatives of state agencies and other state officials, lobbyists, and members of the public (Satter 2009, 90). The public hearing stage is the only part of the process during which non-legislators can officially speak publicly in the legislature on proposed legislation (Squire and Moncrief 2009, 175).

The main information that legislators hope to gain from hearings include a bill's practical consequences, its costs and the revenue sources for financing it, alternative ways of achieving its objectives, and the experience of other states that have enacted similar laws (Satter 2009, 91). Although legislators take public hearing testimony into account to a certain extent, they do not take it too seriously because it can often present a distorted picture of public sentiment since people who feel deeply about certain issues are more likely to speak out (Satter 2009, 91). The committee chairperson is pivotal at this stage because he or she typically has final say over when (or even if) a bill will be heard (Squire and Moncrief 2009, 175). In Connecticut, at the first meeting committee members vote on which bills to subject to public hearings and to have the Legislative Commissioners' Office draft them in statutory form (Satter 2009, 89).

In regards to public hearings, a joint committee system makes it easier for the public to get involved in the legislative process because they only need to attend one hearing to fully get involved in the process. In legislatures with traditional bicameral committees, members of the public need to attend two separate public hearings, one for both the Senate and House

committees, in order to be fully involved in the process. This extra step is likely to confuse some constituents, who may only show up for one of the public hearings. With separate public hearings, it is likely that some of the experts and lobbyists may attend the hearing for the first chamber committee and not the hearing for the second chamber committee, or vice versa, which means that the different committees could be working with different information when considering the same piece of legislation. Rhode Island addresses this problem by holding joint public hearings for important bills (Fairlie 1932, 32).

Work Sessions

After holding public hearings, committees will meet for work sessions to thoroughly discuss the content of a bill and to resolve any disputes that may exist (Maine State Legislature 2013b). This is the point where amendments are proposed and compromises are reached. These meetings are open to the public, but most of the major compromises and decisions are made behind the scenes by committee chairs, legislative leaders, and during party caucus meetings, which are not open to the public. The end result of these deliberations for each bill is a committee report, which is essentially a recommendation on how the full legislature should act (Satter 2009, 92). In Connecticut, the final decision on a bill typically has to be made by a preset deadline, which varies by committee (Satter 2009, 92). In Massachusetts, any bills referred to a committee before April 15 must be reported out of committee no later than the fourth Wednesday in June and any bills referred after that date must be reported on within 10 days (Massachusetts Bar Association 2014). In New Hampshire, this decision has to be made before a predetermined crossover date on which all bills originating in the first chamber must be sent over

to the second chamber (Grappone 2010). It is unclear if or when any of the other legislatures have such deadlines.

Committee Report

The most important role of legislative committees is the power to recommend a bill to the entire legislature for passage in the form of a committee report. At this point in the process, committees must choose between several options. The most common committee actions are to table a bill (hold it in committee) or to issue a favorable report, an unfavorable report, or a change of reference to another committee (Squire and Moncrief 2009, 176; Satter 2009, 92). Committees can also recommend that a bill be amended and given a favorable report (Squire and Moncrief 2009, 176).

In Massachusetts, committees can issue a study order, which technically means that a bill will be studied during the recess, but is often used as a quiet way to kill a bill (Massachusetts Bar Association 2014). New Hampshire has a similar action called "refer to interim study" (Northeast Information Services 2009, 2). In the first year of each General Court, New Hampshire committees can also re-refer a bill back to the committee to be revisited during the next year's session (Northeast Information Services 2009, 2). In Rhode Island, a bill can be reported to the floor with no recommendation (State of Rhode Island General Assembly 2014).

Committees are most likely to give a bill a favorable report or table it. Committees tend to let bills die quietly by tabling them rather than issue an unfavorable report because it takes less time and effort, which can be better spent on bills that are likely to pass (Satter 2009, 92). At this point, a bill that is given a favorable report is sent to the first chamber for further action. Some bills will be referred to additional committees for further action before they are sent to their

originating chamber. In some cases referrals are mandatory. For example, bills that require the expenditure of money must be referred to the Appropriations or Ways and Means Committee. These subsequent committees have the same powers as the first committee, such as the ability to give the bill a committee report (Satter 2009, 94). In most states, a committee report is made when a bill is on the calendar for the second reading. A few days after the second reading and issuance of the committee report, a bill moves to the third reading calendar (Squire and Moncrief 2009, 177).

First Chamber

Next, a bill is sent to the first chamber for further action by the full legislature. In Connecticut, a bill is first sent to the Legislative Commissioners' Office for a final review of its form, consistency with existing statutes, and constitutionality. If there are any problems, a bill is returned to committee. If everything is in order, the bill is then sent to the Office of Fiscal Analysis for a note on its fiscal impact, and finally to the Office of Legislative Research for a plain language summary of its provisions (Satter 2009, 95). The bill is then placed on the calendar of the first chamber. In Maine, a bill is first looked over by the committee's legislative analysts, prepared by the Revisor's Office, and sent to the Office of Fiscal and Program Review to determine whether it will have a fiscal impact, which is amended to the bill (Maine State Legislature 2013b). The bill is then placed on the calendar of the first chamber. In Massachusetts, bills go through the amendment process in the full chamber and then are sent to the first chamber's Committee on Bills in the Third Reading where either the Senate or House Counsel reviews them for their proper legal form and approves them (Massachusetts Bar Association 2014). In Rhode Island, a bill is added to the calendar and reproduced with a short

explanation attached for distribution to the members of the legislature (State of Rhode Island General Assembly 2014). In New Hampshire and Vermont, bills are sent directly to the first chamber to be placed on the calendar for further action (Northeast Information Services 2009; Vermont General Assembly 2014).

Once a bill is on the calendar of the first chamber, it should eventually be selected by the presiding officer to be acted upon by the full chamber. This is yet another opportunity for a bill to die because the legislative leadership can decide not to act on a bill or the chamber can simply run out of time to act. When a bill is to be acted upon, its title and other identifying information is read by the clerk for the third time and the committee chairperson, or his designee, makes a motion for the chamber to accept the committee's favorable report and pass the bill. The same speaker will then explain the provisions of the bill, give reasons for approving it, and answer any questions pertaining to its substance (Satter 2009, 99).

A general debate of the bill's merits will typically take place among the rest of the chamber's members, which is controlled by the presiding officer. The floor debate is typically just for show because all of the major decisions on the legislation in question have already been made behind the scenes (Satter 2009, 98). Although floor debate occasionally seems dramatic, the reality is that by this point, leadership, most legislators, and many lobbyists and other legislative observers know the outcome before a vote is even taken (Squire and Moncrief 2009, 177) Legislative leaders, typically with the help of a screening committee, select the bills to be acted upon and the leaders of the majority and minority parties hold party caucus meetings to discuss upcoming legislation (Satter 2009, 98). During these meetings, leaders poll members of their party to find out how individual lawmakers intend to vote (Squire and Moncrief 2009, 177).

It is during these party caucuses that members are expected to disclose how they plan to vote on upcoming legislation, especially if they plan to vote against the other members of their party.

During floor debate, members often propose amendments, which are typically planned in advance. It is typically up to the presiding officer to decide whether or not to put proposed amendments to a vote (Satter 2009, 102). During party caucus meetings, members often discuss anticipated amendments and come up with a strategy for dealing with these amendments, especially those proposed by the other party (Satter 2009, 104). Legislative leaders typically want to make sure that amendments from the other party are defeated and that only approved amendments, which are consistent with their goals for a particular bill, pass. Failed amendment votes on controversial bills can sometimes be useful as political cover for members of both parties.

After the floor debate and amendment process, final action is taken by the whole membership of the chamber. The final vote on a bill is typically recorded on a roll-call machine or through the rise-and-be-counted procedure in order to publicly document the vote of each member (Satter 2009, 103). If the bill passes, it is sent to the second chamber for further action. If the chamber votes against passage, the bill is dead (Commonwealth of Massachusetts 2014). It is very rare for a bill to be defeated on a floor vote. The majority party leadership only brings bills to the floor for a vote if they are confident that the measures will pass (Squire and Moncrief 2009, 178).

Second Chamber

Next, the bill is transmitted to the second chamber for further action. In Connecticut, a bill must be held for one day before being transmitted to the second chamber, except during the

last five days of the session when it can be transmitted immediately upon passage (Satter 2009, 103). At this point in the process, there are significant differences between state legislatures with joint committees and state legislatures with traditional bicameral committees. In the state legislatures with joint committees, bills are over halfway along the journey to become law and are sent directly to the second chamber for a third reading, the debate and amendment process, and further action on the floor. In Connecticut, if a bill has amendments from the first chamber, the second chamber will first act on the amendments and then on passage (Satter 2009, 103). In the state legislatures with traditional bicameral committees, bills are barely to the halfway point of the process and are sent to the second chamber for a first reading and a second round of committee referral (or referrals) (Squire and Moncrief 2009, 182). Bills then go through the committee process for a second time and are eventually sent to the second chamber for a third reading and final floor action (Squire and Moncrief 2009, 182).

If the first chamber added any amendments, the second chamber can then either adopt the amendment and pass the bill in concurrence with the first chamber or reject the amendment and pass the bill. If the second chamber adopts the amendment and passes the bill in concurrence, it goes on to the next step in the process. If the second chamber rejects the amendment, the bill is returned to the first chamber to resolve the differences. The first chamber can either pass the bill (without the amendment) in concurrence with the Senate or adopt a more friendly amendment and pass the bill on to the second chamber again. In order for a bill to move on to the next step in the process, both chambers need to pass the same bill with the same exact wording. If both chambers fail to resolve the differences on their own, they can convene an ad hoc conference committee to formally work out the differences (Squire and Moncrief 2009, 183). More

information on conference committees can be found in Chapter 4. If the differences are still not resolved, then the bill is dead.

Final Enactment

In most states, a bill is then transmitted to the governor for further action. However, in Maine and Massachusetts further action is required before a bill can be transmitted to the governor. In these states, when a bill is passed following the debate and amendment process, it is passed to be engrossed. In Maine, this means printing the bill and all adopted amendments together in an integrated document for enactment (Maine State Legislature 2013b). In Massachusetts, this means the bill is printed on special parchment for enactment (Massachusetts Bar Association 2014). After a bill is passed to be engrossed, it is sent to the House of Representatives for enactment. After the House enacts a bill, it is sent to the Senate for enactment (Maine State Legislature 2013b; Massachusetts Bar Association 2014). In Massachusetts, the enactment process is typically just a formality, but sometimes a controversial bill will be debated and even rejected at this point (Massachusetts Bar Association 2014). Following enactment in the Senate a bill is then finally delivered to the governor for further action (Maine State Legislature 2013b; Massachusetts Bar Association 2014).

Once a bill reaches the governor, he or she may sign the measure into law, veto it, or do nothing and allow it to become law within a specified period of time, usually five to ten days (Squire and Moncrief 2009, 183; Council of State Governments 2013, 97-8). If the session ends during this specified period of time, the bill is effectively vetoed, in what is known as a pocket veto (Squire and Moncrief 2009, 183). If a bill is vetoed, it can be returned to the first chamber and overridden by a supermajority vote in both chambers (Squire and Moncrief 2009, 183-4). In

Connecticut and Maine, a supermajority is considered to be two thirds of the elected members in each chamber. In Massachusetts, New Hampshire, and Vermont, a supermajority is considered to be two thirds of the members present in each chamber. In Rhode Island, a supermajority is considered to be three fifths of the members present in each chamber (Council of State Governments 2013, 97-8).

Conclusion

From this analysis, it is obvious that the legislative process in state legislatures with joint committees is shorter and maximizes all of the available legislative time. In state legislatures with traditional bicameral committees, the process involves more steps, some of which are repetitive, which simply wastes precious legislative time. Joint committees present an institutional arrangement that is more conducive to consensus building and compromise between chambers and allows members from both chambers to interact with one another in a formal and official setting. As an added bonus, the simpler legislative process in state legislatures with joint committees is easier for average citizens to follow and gives them a better chance to get involved in the process in a meaningful way. Most importantly, this breakdown of the legislative process shows how most tangible legislative work is accomplished during the committee process, which is why committees are often referred to as the workhorses of state legislatures. Therefore, if committees operate more effectively then the whole legislature operates more effectively.

Chapter 4: Conference Committees and Conflicts Between the Houses

In bicameral legislatures, the separate chambers will often pass slightly different versions of the same legislation. In order for such legislation to make it to the governor's desk for consideration, the conflicts between these two versions need to be sorted out. During a legislative session, time is a valuable commodity and waiting to find a consensus between the chambers late in the process is a waste of this valuable time. In most bicameral legislatures, there are no official steps in the regular legislative process for the two chambers to work together to find a consensus. Most of this work occurs in unofficial meetings between the legislative leaders of each chamber, committee chairs of each chamber, and individual legislators. The two main ways that American legislative chambers officially interact with each other are through joint committees and conference committees. Since a consensus between the two chambers needs to be reached at some point, it makes sense to use joint committees from the start to reach a well thought out consensus before legislation even reaches the floor, rather than to use conference committees to reach a quick consensus when time is running out (Connecticut General Assembly 1994, 2). The use of joint committees helps legislatures focus their time more effectively and promotes more conciliatory governing practices.

Joint standing committees are committees that meet on a regular basis, while conference committees are ad hoc joint committees that only meet when they are needed. Although both committees are a type of joint committee, for the sake of simplicity, I will continue to refer to joint standing committees simply as joint committees. The key difference between these two types of committees is joint committees consider the legislation that will be considered by both chambers before it ever reaches the floor, while conference committees are assembled after

legislation reaches the floor in order to “iron out differences between house and senate passed versions of a bill” (Bowman and Kearney 2012, 127). The main consequence of these differences is joint committees meet to consider legislation early on in a legislative session, while conference committees meet late in a legislative session when there are much greater time constraints. Conference committees are especially important because “they often deal with the most significant and controversial bills considered by the legislature each session” (American Society of Legislative Clerks and Secretaries and National Conference of State Legislatures, listed hereafter as ASLCS and NCSL, 1996, 4-39). Although conference committees can be an important part of the process, the specific organization and procedures of conference committees differ greatly among the various state legislatures.

According to the National Conference of State Legislatures, the typical conference committee is made up of three to five members from each chamber, for a total of six to ten members, but the number can vary depending upon the particular legislature in question (1998, 4-39). Conference committees that deal with fiscal bills are often larger than those that work on regular bills. Most of the New England legislative chambers analyzed in this study appoint three members, with the exception of the New Hampshire House, which appoints four or five members to fiscal conference committees (ASLCS and NCSL, 1996, 4-43–4-44). In Congress, there are no requirements governing the number of members appointed to conference committees and the delegation from each chamber does not even have to be equal (Squire and Hamm 2005, 114). The specific legislators who are appointed to serve on these committees usually depend upon the content of the bill and the type of bill in question. These legislators frequently include “the authors of bills, the chairs of standing committees, those with expertise or interest in the issue and those people to represent the body or caucus most capably” (ASLCS and NCSL, 1996, 4-

39). In Congress, each chamber's delegation is "traditionally drawn almost entirely from a single substantive committee of that house," (Squire and Hamm 2005, 114) except for cases in which more than one committee was involved with crafting a piece of legislation.

The method of appointing these legislators differs slightly among the various state legislative chambers. In the Maine Senate and House, the New Hampshire Senate and House, and the Vermont House, the president of the Senate or the speaker of the House appoints legislators. In the Connecticut House the speaker pro tem appoints legislators, in the Connecticut Senate the majority leader appoints legislators, and in the Vermont Senate a committee on committees appoints legislators (ASLCS and NCSL, 1996, 4-46–4-47).¹ The method of appointing a committee chair also differs among the various state legislative chambers. In some chambers, the presiding officer will select the chair and in others, the first member appointed to the committee acts as the chair (ASLCS and NCSL, 1996, 4-51–4-52).

The main criterion that sets the conference committee procedures of the various states apart is the scope of the committee. Conference committees are charged with preparing a compromise version of a bill that is acceptable to both houses, but many committees are only able to review certain portions of a bill (ASLCS and NCSL, 1996, 4-40). Some legislatures, like the U.S. Congress, New Hampshire, and Vermont, use a limited scope, under which a conference committee may only consider those sections of a bill where differences between the two houses occur (ASLCS and NCSL, 1996, 4-40, 4-53). Other legislatures, such as Connecticut and Maine, use a free or open scope, under which the entire bill is subject to change (ASLCS and NCSL, 1996, 4-40, 4-53). The rest of the state legislatures use either a combination of the two methods or a completely different scope depending upon the subject matter of the bill in question (ASLCS and NCSL, 1996, 4-40).

¹ The MA and RI legislatures did not respond to the study.

When conference committees are in session, their procedures are typically governed by joint rules because it is easier for both chambers to use the same procedure when they work together (ASLCS and NCSL, 1996, 4-41). In congressional conference committees, there are virtually no rules governing deliberations and the only thing that matters is whether the committee report can pass both the House and the Senate (Squire and Hamm 2005, 115). The main aspects of the state legislature conference committee process that these procedures dictate are the vote required to reach an agreement and the signatures that are required on the committee report. A majority of American legislatures require a majority vote of the conferees from each chamber (ASLCS and NCSL, 1996, 4-41). Connecticut, Maine, Vermont, and Congress fall into this category (ASLCS and NCSL, 1996, 4-55; Squire and Hamm 2005, 115). Other states only require a majority vote of all conference committee members. However, in Iowa and New Hampshire, "adoption of the conference committee report requires a unanimous vote by both the Senate and House conferees" (ASLCS and NCSL, 1996, 4-41). The procedure for signing the conference committee report also differs among the various state legislatures. Some legislatures require that a majority of the conferees from each body sign the report, others require all conferees to sign the report, and others only require the committee chairs to sign the report (ASLCS and NCSL, 1996, 4-41).

These different voting and signature procedures can have major implications on the strategies used by the members of these conference committees to reach the necessary consensus. In the states that require a majority vote of all conference committee members, the members of each chamber's delegation only need to convince one member from the other chamber's delegation to vote in favor of their proposal. This type of compromise can be reached more easily by offering the single member from the other chamber something to help in the next

election cycle, such as something new in his or her district like a train station on a new rail line. This type of strategy is typically most effective when the bill in question deals with appropriations. In the states that require a majority vote of the conferees from each chamber, a more substantial compromise must be reached on the legislation in question that can be accepted by the members of the delegations for both chambers. It seems more likely that conferees in this situation will focus on finding a compromise that applies to the proposal in question. In the states that require a unanimous vote by all conferees, a single conferee can hold up the entire process unless certain terms are agreed to, sort of like a filibuster in the U.S. Senate. The states that require a majority vote of the conferees from each chamber seem to have the most effective procedure because it will likely force the conferees to focus on a compromise on the proposal in question, rather than find a way to appeal to a single member to vote a certain way. This procedure also seems to increase the probability of gaining final passage by a majority of the full membership in each chamber, which after all is the goal of the conference committee.

The last step in the conference committee process is the approval of the report and final bill by the full membership of both chambers. For this step, the main difference between the various states is the chamber that considers the report first. Some state legislatures send the report first to the originating chamber, which introduced the original bill (ASLCS and NCSL, 1996, 4-41). In other legislatures, such as New Hampshire and Vermont, the non-originating chamber is the first to consider the report (ASLCS and NCSL, 1996, 4-41, 4-57). In some legislatures, like Maine, it depends upon the circumstances under which the conference committee was requested (ASLCS and NCSL, 1996, 4-41, 4-57). In Connecticut and Hawaii, the conference reports are taken up by both chambers simultaneously. When voting on the report,

some legislative chambers will use their normal voting rules, while others require the report be adopted by whatever vote was required to pass the original bill (ASLCS and NCSL, 1996, 4-42).

Despite the similarities between joint committees and conference committees in their role of facilitating official communication between the two chambers, each type of committee exhibits a different balance of power between the two chambers. Studies of conference committees at the congressional level have concluded that the Senate is more likely to get its way. It has been suggested that this imbalance occurs because the Senate usually acts second, which forces the House to compromise further in order to get the bill out (Squire and Hamm 2005, 115). Donald A. Gross conducted a similar study of conference committees in state legislatures, with a focus on appropriations bills, and found that the upper chamber does typically have an advantage in conference committee negotiations on budgetary matters (1980, 777). He also found that the partisan environment of the legislature in question has an effect on which chamber "wins" the conference committee negotiations (Gross 1980, 777). It makes sense that if a different party controls each chamber, one party may be more likely to hold its ground, especially if it believes the electorate is on their side.

In the case of joint committees, the balance of power is the opposite, with the lower chamber holding the advantage. The main advantage that the lower chamber has is a greater number of voting members on each committee. The reason for this imbalance is the fact that the lower chamber always has more members than the upper chamber. For example, "[i]n Connecticut there [are] 151 House members to 35 Senate members, in Maine 151 to 33, and in Massachusetts 160 to 40. Each has a 4-to-1 to 5-to-1 ratio of house to senate members" (Francis 1989, 120). In these three states with complete joint committee systems, a higher percentage of senators had complaints about the size of the committees, the number of committee assignments,

and the scheduling of committee meetings (Francis 1989, 120). Unfortunately, the only way for the upper chamber to change this membership disadvantage would be for senators to serve on even more committees. It is important to remember that if the senators believe they are at too much of a disadvantage on a certain issue, they can vote to split the committee into separate Senate and House committees, at least in Connecticut (Ogle 1974, 170).

Although both joint committees and conference committees are biased towards one of the chambers, research has found that one type of committee is actually more effective than the other. According to an analysis of state legislatures by the American Political Science Association, "[i]n practice, joint committees greatly reduce the need for conference committees to reconcile legislative differences between the two chambers" (Squire and Hamm 2005, 44). Even with divided party rule, joint committees can be more effective. For example, up until 1993 the Oregon state legislature operated for many years with a joint Ways and Means Committee to develop the budget. In 1993, the legislature had a Republican controlled House and a Democratic controlled Senate, which prompted the leadership to dissolve the joint committee and create a House Appropriations Committee and a Senate Ways and Means Committee. With two committees instead of one, the budget process took much longer because compromises that used to be made at the joint committee level were now being made in conference committees. As a result, the leadership committee studied the issue and recommended that the joint committee be reconstituted with expanded membership in the next session (Connecticut General Assembly 1994, 2).

It is important to keep in mind that legislative issues between the two chambers have to be resolved at some point, and with joint committees these issues are worked out before legislation reaches the floor (Connecticut General Assembly 1994, 2). The joint committee

system opens up an official dialogue between both chambers, which makes it easier to figure out which pieces of legislation have a bicameral consensus and are worth spending time on, and which pieces of legislation are contentious and are not worth the valuable time that remains in the legislative session. Joint committees promote more conciliatory governing practices and can help state legislatures focus their time more effectively.

Chapter 5: Data Analysis

The purpose of this chapter is to quantitatively analyze the question of whether state legislatures that primarily use joint standing committees have a more effective legislative process than state legislatures that primarily use traditional bicameral standing committees. For the purpose of this analysis, effectiveness is defined as the ability of committees to report out bills that are passed by both legislative chambers. State legislatures need to maximize their effectiveness in order to take full advantage of legislative time, which is always in short supply, by focusing on bills that are likely to make it through the entire process. The analysis will focus on the New England states because three of them have the only state legislatures in the United States that primarily use joint committees for considering legislation. I decided to include the other three New England states because all six of these states share a common history, geographic similarities, similar institutional characteristics, and a unique political culture. More information about these shared characteristics can be found in Chapter 2. The state legislatures that primarily use joint committees are Connecticut, Maine, and Massachusetts and the state legislatures that primarily use traditional bicameral committees are New Hampshire, Rhode Island, and Vermont.

Methods

I examine the link between joint committees and legislative effectiveness through an analysis of legislative data gathered from state legislative websites, the legislative tracking website LegiScan, and the Massachusetts legislative tracking service MassTrac. Some state legislative websites had more complete information than others, which forced me to turn to outside sources to make up for the lack of direct information reported by certain states. I was

able to find complete tables with the necessary information for most of the state legislatures for most of the session years in question. However, for some session years for some of the legislatures, I was forced to input data by hand after locating the necessary data through the search function on certain state legislative websites. For this analysis, I was only able to study the 2009-2010 and 2011-2012 legislative terms because they were the only years that had readily available data on the Internet. A more in-depth study of more legislative terms would require entering data from each state's official legislative records by hand, which would be a time and labor intensive project, which was not possible for the time constraints I faced.

The two main dependent variables used in this analysis are the number of bills that pass only one chamber and the number of bills that pass both chambers during each legislative term. The independent variable is the type of committees that are primarily used by the state legislature in question, either joint committees or traditional bicameral committees. The number of bills that pass only one chamber includes bills that only received an affirmative vote in the first chamber. This number can include bills that received an affirmative vote in the first chamber followed by a negative vote in the second chamber and bills that received an affirmative vote in the first chamber and later died in the second chamber. The number of bills that passed both chambers includes any bills that received affirmative votes in both the first and second chambers. This number includes both bills that later became law and those vetoed by the governor. Bills with amendments that were not approved by a second chamber and bills that had conflicting versions under consideration in both chambers were counted as bills that only passed one chamber. More information on the other variables used in this study can be found below in the Hypothesis and Research Design section.

I plan to use this data to calculate the ratio between the number of bills that pass both chambers to the number of bills that pass only one chamber during the 2009-2010 and 2011-2012 legislative terms in each of the New England state legislatures, which will be referred to as the effectiveness ratio. I also plan to calculate the effectiveness ratio for each state for an average legislative term. I will then compare the results between the states that have legislatures that primarily use joint committees with the states that have legislatures that primarily use traditional bicameral committees. My methods are similar to those used by Alan Clem in his 1978 study of bicameralism in the South Dakota state legislature. Part of his study involved identifying and counting the number of House and Senate bills passing both chambers and the number passing one chamber only (Clem 1978, 1). A more in-depth discussion of that study can be found in the Literature Review section of Chapter 1.

Hypothesis and Research Design

The hypothesis here is that state legislatures that primarily use joint committees have a more effective legislative process than state legislatures that primarily use traditional bicameral committees. Therefore, I expect to find that state legislatures that primarily use joint committees have a higher effectiveness ratio than state legislatures that primarily use traditional bicameral committees. The hypothesis can be stated as such:

H: The use of joint committees to consider legislation leads to a more effective legislative process.

The independent variable is whether or not the state legislature in question primarily uses joint committees to consider legislation. Dependent variables include the number of bills that pass only one chamber, the number of bills that pass both chambers, and the effectiveness ratio.

The effectiveness ratio, expressed as a percentage, is calculated by dividing the number of bills that pass both chambers by the number of bills that pass only one chamber. A possible confounding variable is the partisan balance between the legislative branch and executive branch of the states in question.

The range of the effectiveness ratio variable is either less than, equal to, or greater than 100%. A state legislature with an effectiveness ratio less than 100% would be considered inefficient because it shows the separate chambers of the legislature in question disagree on legislation more than they agree. A state legislature with an effectiveness ratio equal to 100% would be considered neutral because it shows the separate chambers of the legislature in question agree on legislation as much as they disagree on legislation. A state legislature with an effectiveness ratio greater than 100% would be considered efficient because it shows the separate chambers of the legislature in question agree on legislation more than they disagree.

Table 5A: Effectiveness Ratio for the Average Legislative Term

State	Joint committees	Average Legislative Term		
		Bills That Passed Both Chambers	Bills That Passed One Chamber	Effectiveness Ratio
Connecticut ¹	Yes	543.5	288.5	188%
Maine ²	Yes	959	32	2997%
Massachusetts ³	Yes	724	208	348%
New Hampshire ⁴	No	539.5	208.5	259%
Rhode Island ⁵	No	968.5	714	136%
Vermont ⁶	No	175	59.5	294%

¹ (Connecticut General Assembly 2013b)

² (Maine State Legislature 2013a; eLobbyist LLC 2014)

³ (InstaTrac, Inc. 2013)

⁴ (New Hampshire General Court 2013; eLobbyist LLC 2014)

⁵ (State of Rhode Island General Assembly 2013; eLobbyist LLC 2014)

⁶ (Vermont General Assembly 2013; eLobbyist LLC 2014)

Table 5B: Effectiveness Ratios By Legislative Term

State	Joint committees	2009-2010 Legislative Term			2011-2012 Legislative Term		
		Bills That Passed Both Chambers	Bills That Passed One Chamber	Effectiveness Ratio	Bills That Passed Both Chambers	Bills That Passed One Chamber	Effectiveness Ratio
Connecticut ⁷	Yes	603	341	177%	484	236	205%
Maine ⁸	Yes	947	21	4510%	971	43	2258%
Massachusetts ⁹	Yes	728	172	423%	720	244	295%
New Hampshire ¹⁰	No	603	147	410%	476	270	176%
Rhode Island ¹¹	No	941	623	151%	996	805	124%
Vermont ¹²	No	159	53	300%	191	66	289%

Results and Analysis

The results of the data analysis can be found in Table 5A and Table 5B, which are located above. Table 5A shows the effectiveness ratio of each of the New England state legislatures over the course of an average legislative term. The values in Table 5A were calculated by adding together the values from the 2009-2010 and 2011-2012 legislative terms and dividing them by two. Table 5B breaks down the results into individual legislative terms. In Table 5A, it is immediately clear that Maine, a state that primarily uses joint committees, has the highest average effectiveness ratio at 2,997%, which is more than 2,000% higher than all of the other New England state legislatures. In fact, it has a higher average effectiveness ratio than all of the other New England states combined. In contrast, it is clear that Rhode Island, a state that primarily uses traditional bicameral committees, has the lowest average effectiveness ratio at 136%. It is also worth noting that none of the New England legislatures had an effectiveness

⁷ (Connecticut General Assembly 2013b)

⁸ (Maine State Legislature 2013a; eLobbyist LLC 2014)

⁹ (InstaTrac, Inc. 2013)

¹⁰ (New Hampshire General Court 2013; eLobbyist LLC 2014)

¹¹ (State of Rhode Island General Assembly 2013; eLobbyist LLC 2014)

¹² (Vermont General Assembly 2013; eLobbyist LLC 2014)

ratio of less than 100%, which means the separate legislative chambers in these states seem to agree on legislation more often than they disagree.

The ranking of states by average effectiveness ratio (in Table 5A) in order, from largest to smallest, is as follows: Maine, Massachusetts, New Hampshire, Vermont, Connecticut, and Rhode Island. The ranking of Maine and Massachusetts as numbers one and two with effectiveness ratios of 2,997% and 348%, respectively, helps support the hypothesis that state legislatures that primarily use joint committees have a higher effectiveness ratio. However, Connecticut is a major outlier with an effectiveness ratio of just 188%, which is only higher than Rhode Island. The fact that Connecticut was outranked by both New Hampshire and Vermont definitely seems to challenge the hypothesis. Some of the possible reasons for Connecticut's low effectiveness ratio will be explored later in this section, in the breakdown of individual legislative terms.

In Table 5B, which shows separate effectiveness ratios for the 2009-2010 and 2011-2012 legislative terms, there is a variation in effectiveness ratio rankings between the two legislative terms. For the 2009-2010 legislative term the effectiveness ratio rankings, from highest to lowest, are as follows: Maine, Massachusetts, New Hampshire, Vermont, Connecticut, and Rhode Island. For the 2011-2012 Legislative Term, the effectiveness ratio rankings, from highest to lowest, are as follows: Maine, Massachusetts, Vermont, Connecticut, New Hampshire, and Rhode Island. Maine and Massachusetts consistently had the top two effectiveness ratios, which seems to somewhat support the hypothesis. The main changes between the two legislative terms include Connecticut's one position rise in the effectiveness ratio rankings and New Hampshire's two position fall in the effectiveness ratio rankings.

Table 5C: Partisan Balance

State	Joint committees	2009-2010 Partisan Balance*			2011-2012 Partisan Balance*		
		Senate	House	Governor	Senate	House	Governor
Connecticut	Yes	Democratic	Democratic	Republican	Democratic	Democratic	Democratic
Maine	Yes	Democratic	Democratic	Democratic	Republican	Republican	Republican
Massachusetts	Yes	Democratic	Democratic	Democratic	Democratic	Democratic	Democratic
New Hampshire	No	Democratic	Democratic	Democratic	Republican	Republican	Democratic
Rhode Island	No	Democratic	Democratic	Republican	Democratic	Democratic	Independent
Vermont	No	Democratic	Democratic	Republican	Democratic	Democratic	Democratic

*(Lucy Burns Institute 2014)

A confounding variable that may account for the change in effectiveness ratios between the 2009-2010 and 2011-2012 legislative terms is the partisan balance of the state legislatures in question, which can be found above in Table 5C. For the 2009-2010 legislative term Connecticut had an effectiveness ratio of 177%, which rose to a 205% effectiveness ratio for the 2011-2012 legislative term. During Connecticut’s 2009-2010 legislative term the state had divided party government, with a Democratic Senate and House and a Republican governor. During Connecticut’s 2011-2012 legislative term the state had a unified Democratic controlled government. New Hampshire faced a similar situation that might account for its effectiveness ratio decrease from 410% during the 2009-2010 legislative term to 176% during the 2011-2012 legislative term. New Hampshire went from having a Democratic controlled legislature and a Republican governor to a Republican controlled legislature and a Democratic governor.

Looking at all of the states for both legislative terms, there appears to be a correlation between a state’s effectiveness ratio and partisan balance. During the 2009-2010 legislative term the top three states of Maine, Massachusetts, and New Hampshire had unified Democratic government, while the bottom three states of Vermont, Connecticut, and Rhode Island had divided government. During the 2011-2012 legislative term, the top four states of Maine,

Massachusetts, Vermont, and Connecticut had unified party government, while the bottom two states of New Hampshire and Rhode Island had divided party government.

Although the governor has no official role to affect whether or not only one house or both houses pass a bill, the fact that any legislation has to go through the governor in order to become law will affect the strategies used in the legislature. The leaders of the legislature may decide to pass as many things as possible in order to force the governor to make tough decisions on major state issues. Or the leaders could decide that maximizing legislative time is no longer a priority because there is so little that they may agree on with the governor and focus on policy incubation for legislation they hope to pass in the future when their party controls the executive branch. Or the leaders could decide to only focus on bills that are likely to receive supermajority support in an effort to overrule the governor completely. No matter what the situation, it is likely that legislatures are going to act differently with divided government than with a government unified under one party's control.

It may be no coincidence that the two states with the highest effectiveness ratios, Maine and Massachusetts, also happen to have unified party government in addition to joint committees. During both of the legislative terms in this study, Massachusetts had both a Democratic legislature and a Democratic governor. In contrast, Maine had unified Democratic government during the 2009-2010 legislative term and unified Republican government during the 2011-2012 legislative term. During periods of unified party government, it is likely that legislatures may feel more pressure to maximize legislative effectiveness to enact as many of their policies as possible while their majority status lasts.

It is also worth noting that Rhode Island, which had the lowest effectiveness ratio for both of the legislative terms in this study, had divided government during both legislative terms.

During the 2009-2010 legislative term, Rhode Island had a Democratic controlled legislature and a Republican governor. During the 2011-2012 legislative term, Rhode Island had a Democratic controlled legislature and an independent governor. The leaders of the legislature may have decided that there are few issues on which the separate parties can compromise, which means legislative effectiveness may simply not be a priority. The effect of a state's partisan balance on legislative effectiveness is difficult to quantify in this analysis, but the subject definitely warrants future investigation.

There are a number of factors that could also impact the results of this study. These range from cultural differences to the content of the legislation considered during each legislative term to major unexpected events that dominate states politics. The unique institutional characteristics of each states legislature, such as the number of legislators and size of districts, could also have an impact. It is impossible to account for all of them. No two state legislatures in the United States are exactly the same, which makes it difficult to establish major causal links in a comparative analysis of state legislatures.

Conclusion

This analysis of joint committees shows that there is likely a connection between the primary use of joint committees and legislative effectiveness, as defined in the study, especially in the case of Maine and Massachusetts. The results only confirmed the hypothesis in two out of three cases, which left Connecticut as a major outlier in terms of legislative effectiveness. There is a long way to go in establishing a significant link between the primary use of joint committees and legislative effectiveness. Hopefully this study will pave the way for future research into the effectiveness of joint committees on a more comprehensive scale. An obvious avenue for further

investigation would be to look at a greater number of legislative terms, which would definitely require a greater amount of time and resources because the oldest readily available electronic data is less than 15 years old. Putting together a larger data set would require manually going through official legislative records to count the final status of all bills that received a least an affirmative vote in the first chamber.

Future research on the subject of joint committees would also benefit from additional data points. Future research could include an analysis of committee voting records, the number of hours committees spend considering legislation, the number of people who testify at public hearings, and the number of times conference committees are convened to work out inter-chamber compromises. It would be interesting to look into the amount of time spent on redundant activity in state legislatures that primarily use traditional bicameral committees in comparison to their counterparts that primarily use joint committees. One of the most fascinating aspects of joint committees that should be further studied is if they work as effectively when each chamber is controlled by a different party. The most recent time that this happened in the United States was in the 1995-1996 legislative term in both Connecticut and Maine (Lucy Burns Institute 2014). It would be interesting to see if legislators are more likely to work out interparty compromises in a joint committee setting. The quantitative study of joint committees is in its infancy and should definitely be investigated further.

Chapter 6: Conclusion

The purpose of this work is to answer the question of whether the joint committee system primarily used in the Connecticut, Maine, and Massachusetts state legislatures leads to a more effective legislative process than the traditional bicameral committee system primarily used in the New Hampshire, Vermont, and Rhode Island state legislatures. For the purpose of this study, I have defined effectiveness as the ability of committees to maximize legislative time through the early resolution of differences between senators and representatives in an effort to ensure both the Senate and House pass the bills they report out. Going into this study, I hypothesized that the use of joint committees does lead to a more effective legislative process. The preceding chapters have shown that this hypothesis is a valid one and there appears to be a link between the use of joint committees and a more effective legislative process that needs to be explored further.

My qualitative analysis has shown that state legislatures that primarily use traditional bicameral committees have unnecessary redundancies in both their institutional arrangement and legislative process. In these legislatures, bills have to go through the committee process twice, which means separate committees will hold separate public hearings and meetings on the same bills. These redundancies waste valuable time and resources and create unnecessary barriers between the two chambers that impede their ability to compromise. In contrast, the use of joint committees promotes the more effective use of fewer resources and creates an institutional arrangement that puts senators and representatives in the same room on a regular basis, which helps facilitate compromises between chambers. When senators and representatives come to a consensus early in the committee process, they are able to focus their time more effectively on legislation that is more likely to pass both chambers. As a result, legislatures that primarily use joint committees have a simpler legislative process with fewer steps, which presents fewer

opportunities for legislation to die a confusing death later in the process, making it easier for the average citizen to follow. The most important effect of joint committees is the fact that they prevent the waste of precious legislative time on issues that have no chance of becoming law.

My quantitative study analyzed the legislative effectiveness ratios of the New England states, a concept derived from dividing the number of bills passed by both chambers by the number of bills passed by only one chamber. The study found that there is likely a connection between the primary use of joint committees and legislative effectiveness, especially in Maine and Massachusetts. However, Connecticut was a major outlier, which led me to investigate the partisan balance of state legislatures as a possible confounding variable. Since Maine and Massachusetts were the only states to have unified one party government during the legislative terms in question and primarily use joint committees, it is clear that more quantitative research needs to be done to investigate the link between joint committees and legislative effectiveness. The impact of joint committees could prove to be affected by the partisan balance of the state in question. This is a hypothesis that could be tested using multivariate analysis. A more comprehensive study could be done by looking at significantly more legislative terms, which was impossible for me to accomplish because of limited time and resources.

Future research on the effectiveness of joint committees can be accomplished in many different forms. One of the most important sources of information are the New England state legislators themselves. Francis briefly investigated joint committees by surveying legislators on their main criticisms of the joint committee system (1989, 120). A more comprehensive version of this study could be done to evaluate the procedural effectiveness of joint committees by interviewing more legislators with a greater array of questions. This type of approach would be most effective for studying one of the most fascinating aspects of joint committees, which is their

effectiveness under divided party rule when the Senate and House are controlled by separate parties. The last time such a situation occurred was during the 1995-1996 legislative term in both Connecticut and Maine (Lucy Burns Institute 2014). It might also be helpful to look at additional quantitative variables, such as an analysis of committee voting records, the number of hours committees spend considering legislation, the number of people who testify at public hearings, and the number of times conference committees are convened to work out inter-chamber compromises.

In the current climate of fiscal uncertainty and a more prominent focus on state legislatures to address the important political issues of our time, the effectiveness of state legislatures is more important than ever. If more states adopted joint committees to primarily consider legislation, they could eliminate unnecessary redundancies in the process, which could save money by reducing the number of committee staffers needed to conduct business. Since the institutional arrangement of joint committees promotes compromise, they could help create a more conciliatory atmosphere that is desperately needed to combat the partisan gridlock that plagues politics today.

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