

**A HISTORY AND DESCRIPTION
OF THE NEBRASKA LEGISLATIVE PROCESS**

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CHAPTER 1
THE NEBRASKA LEGISLATURE: A BRIEF HISTORY

Early Unicameralism

While Nebraska enjoys the current distinction of having the only one-house legislature among the 50 states, it was not the first state to employ such a legislative system. In fact most of the American colonies were governed by one-house legislatures until a gradual shift toward bicameralism took hold. By 1763 only two colonies (Pennsylvania and Delaware) continued to use the one-house legislative system. After the colonies became independent, all but three states (Pennsylvania, Georgia, and Vermont) adopted a two-house system similar to that of the newly created U.S. Congress.¹

However, the first three “unicameral” states may not have technically embodied the concept of a one-house legislature as we think of it today. Senning² notes that, while each of the three states utilized a one-house chamber, each state also had an additional body to carry out functions similar to those delegated to a legislative body. The Georgia unicameral, for instance, elected a council from its own membership to serve as a “board of censors” over the legislature. The Georgia unicameral was also short-lived and was replaced with a bicameral in 1789.

The Pennsylvania unicameral, similar to Georgia, also had a separately chosen board of censors to “preserve the constitution against infraction.” While this may sound judicial in nature, the Pennsylvania board of censors was also empowered with what might be considered legislative authority to recommend the repeal and passage of laws, order impeachments, and call a constitutional convention. Pennsylvania moved to a bicameral in 1790.³

¹Alvin W. Johnson, *The Unicameral Legislature* (Minneapolis: The University of Minnesota Press, 1938), 19.

²John P. Senning, *The One-House Legislature* (New York: McGraw-Hill Book Co., 1937), 75-76.

³Id.

The Vermont unicameral was based upon that of Pennsylvania but also employed a thirteen-member council of censors elected separately from the legislature. In fact, it was the council of censors that proposed, perhaps self-servingly, to move the state from a one-house legislature to a full-scale bicameral system. The council succeeded after several attempts and, in 1836, delegates at a constitutional convention voted to adopt a two-house system.⁴ Vermont was the last state to utilize a unicameral legislature, or something similar to unicameralism, until the Nebraska “experiment” was initiated one hundred years later.⁵

Bicameralism in Nebraska

Nebraska adhered to the tradition of a two-house legislature throughout its history as a U.S. territory and nearly three-quarters of a century after it became a state. Sittig⁶ writes that the early Nebraska legislative branch was based mostly on the Iowa legislative system since the Nebraska territorial leaders relied heavily on Iowa’s constitution in order to draft their own. The first Nebraska territorial assembly convened on January 16, 1855, and was comprised of a 26-member House of Representatives and a 13-member Council. The House members were elected to one-year terms of office while the Council members were elected to two-year terms. The assembly met annually in Omaha, the original capitol city, with sessions lasting between 29 and 43 days.⁷

Nebraska was officially admitted to statehood on March 1, 1867. The first state constitution, which was ratified by voters in 1866, called for a continuation of the bicameral system with an upper chamber, now called the Senate, comprised of 13 members, and a lower chamber, the House of Representatives, comprised of 39 members. The first state legislature met

⁴Id.

⁵Johnson, *The Unicameral Legislature*, 19.

⁶Robert Sittig, *The Nebraska Unicameral After Fifty Years* (Lincoln, 1996), 2.

⁷Nebraska Blue Book 2000-01, comp. Clerk of the Legislature (Lincoln, 2001), 286.

biennially in odd-numbered years; however, the first session after statehood was actually a special session called by then Governor David Butler on May 16, 1867, to establish necessary laws for the operation of the state.⁸

The Nebraska Constitution was revised in 1875 with a provision to limit membership to no more than 100 in the House and no more than 33 in the Senate. By 1881 the Legislature had already reached the maximum membership in both chambers. However, in a special election on September 21, 1920, the voters narrowly approved a constitutional amendment to increase the maximum number of state senators from 33 to 50. The Legislature never exercised its authority to expand the membership of the Senate during the remaining years of the bicameral system and by 1936, the last year of bicameralism, the total number of legislators remained at 133.⁹

The Nebraska Experiment

The move to unicameralism in Nebraska was far from a sudden or spontaneous decision.¹⁰ As early as 1913, the Progressive Movement in Nebraska had begun to lobby for government reform with one of the principle goals of implementing a one-house legislative system.¹¹ In 1917, a resolution was successfully passed in the Nebraska Legislature to call a constitutional convention in order to consider revisions to the state's charter document, including the potential for a one-house legislature.¹² The voters approved the resolution at the 1918

⁸Id., 287.

⁹Id., 288.

¹⁰Adam C. Breckenridge, "The Origin and Development of the Nonpartisan Unicameral Legislature," in *Nonpartisanship in the Legislative Process: Essays on the Nebraska Legislature*, ed. John C. Comer and James B. Johnson (Washington, D.C.: University Press of America, 1978), 12.

¹¹Nebraska Blue Book, 289.

¹²The measure passed the House by a vote of 88-12 and the Senate by a vote of 29-0. Breckenridge, "The Origin and Development of the Nonpartisan Unicameral Legislature," 14.

general election by a vote of 121,830 to 44,491 with the wide margin perhaps indicating a popular belief that changes were indeed necessary.¹³

Among the delegates elected to the Constitutional Convention of 1919 was John Norton, a member of the State House of Representatives from 1911 to 1919. In fact it was Norton who introduced the original legislative resolution to call for the convention in the first place. Norton accepted a leadership role during the convention in promoting unicameralism to the delegates. Norton proposed a one-house legislature consisting of not less than 100 and not more than 133 members (perhaps not by accident the relative total number of members in the existing Legislature). During the convention, the proposal was advanced by committee for consideration and was subsequently modified by the assembly to stand as a separate and distinct amendment to the Constitution. However, the final proposal was defeated in the assembly by virtue of a tie vote (43 to 43) with just one vote lacking to place the measure before the voters.¹⁴

Three additional attempts to achieve a one-house legislature proved unsuccessful, including a 1923 initiative petition campaign that ultimately failed to garner sufficient signatures to place the measure on the ballot.¹⁵ Nevertheless, by the early 1930s, the concept was beginning to attract more attention both nationally and within the state. This was due in large part to the notoriety of its most outspoken advocate, U.S. Senator George W. Norris of Nebraska.¹⁶

Norris served as one of the catalysts for the unicameral movement and criticized the bicameral system at every opportunity. In particular, Norris claimed the conference committee

¹³Id. Other major issues of the day included women's suffrage, property tax issues, water rights, and salaries of elected state officials, among others.

¹⁴Nebraska Blue Book, 289.

¹⁵Sittig, *The Nebraska Unicameral After Fifty Years*, 5. The other two attempts included a legislative measure, which was indefinitely postponed, and a 1933 measure that failed to pass in the Senate by a narrow 14-15 vote. Nebraska Blue Book, 289, 368.

¹⁶Adam Carlyle Breckenridge, *One House for Two: Nebraska's Unicameral Legislature* (Washington, D.C.: Public Affairs Press, 1957), 5.

system used by bicameral legislatures was tantamount to a third chamber and held all the real power in the process since disagreements between the two main chambers were resolved, usually in secret, by these committees. Norris believed other “evils” of bicameralism in state government included the election of legislators on a partisan basis and the facilitation of corrupt lobbyists who manipulate the two-house system.¹⁷ Norris also argued that the legislature was supposed to be “close to the people” and if the legislative body were small in size it would be more responsive to the needs of people.¹⁸

Perhaps another important catalyst for the advent of unicameralism in Nebraska was the performance of the Legislature in 1933, which “left a generally bad impression” in light of its handling of such issues as the repeal of Prohibition, tax reform, and appropriations.¹⁹ This poor performance was likely due to a high turnover in membership as a result of the 1932 election, which brought in a high number of inexperienced legislators.²⁰

Finally, in 1933 another initiative petition movement was launched to place the issue of a nonpartisan one-house legislature before the voters in the form of a constitutional amendment. The signature gathering process, which became the downfall of the 1923 effort, proved very successful on this attempt with a final signature tally of one and a half times the needed number.²¹ Senator Norris became the “moving spirit” on behalf of the petition effort and gave all his efforts to the cause in the spring and summer of 1934.²² The result was a resounding victory in favor of the amendment at the general election on November 6, 1934 with 286,086 voting in

¹⁷George W. Norris, “Advantages of the Unicameral System,” in *Unicameral Legislatures* ed. Harrison Boyd Summers, The Reference Shelf, Vol. 11, no. 1 (New York: The H.W. Wilson Co., 1937), 192-197.

¹⁸Breckenridge, “The Origin and Development of the Nonpartisan Unicameral Legislature,” 15.

¹⁹*Id.*, 17.

²⁰*Id.*

²¹Sittig, *The Nebraska Unicameral After Fifty Years*, 7.

²²Johnson, *The Unicameral Legislature*, 132.

favor and 193,152 voting against (60% to 40%).²³ Later analysis of the vote revealed across-the-board support for the amendment, which passed in over 90% of the state's precincts and counties.²⁴

The exact reasons for the passage of the amendment have been debated for decades since the 1934 election. Most recently, Berens²⁵ attempted to sum up the four most likely factors. The first might have related to the economic situation faced by the state and nation as a whole. The Great Depression, which had already begun, was wreaking havoc on the farm economy and therefore increased the desire to see reductions in the overall cost of government. The one-house legislature, it was believed, would reduce the total number of legislators and thereby reduce appropriations for legislative salaries.

A second reason, as mentioned earlier, was the advocacy of U.S. Senator George W. Norris.²⁶ In fact, Norris conditioned his involvement with the 1933 petition movement on the inclusion of the nonpartisan feature.²⁷ Once this aspect of the amendment was settled between Norris and petition organizers, he agreed to head the petition movement and traveled across the state to speak on its behalf. Norris' acclaim and respect among most Nebraska voters undoubtedly added credibility to the issue of unicameralism.

A third reason might have been the sheer luck of timing for the petition organizers due to the nature of the other two amendments proposed on the 1934 General Election ballot. In addition to the "unicameral" amendment were amendments to repeal Prohibition and authorize pari-mutuel betting. All three amendments were adopted with wide margins of support.

²³Nebraska Blue Book, 260.

²⁴Sittig, *The Nebraska Unicameral After Fifty Years*, 7.

²⁵Charlyne Berens, "Power to the People: Nebraska's Unicameral Legislature and the Populist/Progressive Ideal A Social Choice Approach" (Ph.D. diss., University of Nebraska, 2000), 3-5.

²⁶Id.

²⁷Sittig, *The Nebraska Unicameral After Fifty Years*, 6.

Therefore, some have asserted that the concept of a one-house legislature was “swept into law along with the fervor to get rid of Prohibition and make betting legal.”²⁸

The fourth reason, according to Berens, was “perhaps the straw that broke the bicameral back”: the poor performance of the 1933 Legislature. Compounded by bad economic times, it appears that voters expected their state legislature to adapt to the circumstances of the day and meet the needs of the citizenry. As a result, those legislators who opposed unicameralism may have actually contributed, unintentionally, to its rise and implementation.²⁹

Whatever the reasons may have been for its passage, the Nebraska “experiment,” as it came to be called, was set to convene its first session in January 1937.³⁰ The new Unicameral Legislature would be comprised of at least 30 members, serving two-year terms, with constitutional authority to expand to as many as 50 members as the need may arise. A nonpartisan legislature meant that candidates would not be permitted to list their party affiliation on the ballot and the two candidates receiving the most votes in the primary election would in turn face each other in the general election.³¹ The framers of the amendment incorporated various features to ensure proper deliberation and to prevent hasty enactment of legislation. For instance, no legislative bill would be allowed to progress from floor deliberation to final enactment before at least five session days elapsed.³²

The first step toward implementation of the Nebraska Unicameral Legislature was to provide a structure and organization for the new system within the framework of the newly revised Constitution. This process began when the bicameral legislature met in 1935 for its last regular session. It was decided at this time that the body would consist of 43 members. The following year, 1936, marked the first election process to select the charter members of the

²⁸Berens, “Power to the People,” 4.

²⁹Id.

³⁰Johnson, *The Unicameral Legislature*, 138.

³¹Sittig, *The Nebraska Unicameral After Fifty Years*, 8.

³²Id., 8-9.

Nebraska Unicameral Legislature. Interestingly, nearly 75% of the members who had previously served in the bicameral legislature also ran for election in the one-house legislature. Thirty-two of the original unicameral members had served previously in the state's bicameral legislature.³³ Of further interest was the unexpected balance between the parties when it was discovered that 21 senators, who were known Republicans, and 22 senators, who were known Democrats, were elected to serve in the first session of the Unicameral.³⁴

On January 5, 1937, Senator George W. Norris missed the opening of the U.S. Congress in order to give the first members of the Unicameral an "inspirational address on the opportunity they had to expand the horizons of representative government through the innovative device of unicameralism."³⁵ A total of 581 bills were introduced during the first session with 214 bills receiving final approval and passage.³⁶ However, it was not a bill but a simple resolution that proved to be one of the most historic in retrospect and one which addressed an issue left silent and remains silent in the State Constitution. On the fifth day of the first session (January 11, 1937), three members jointly offered a resolution for the purpose of giving a name to the new Legislature. The resolution simply stated, "That the name SENATE be and is hereby designated as the legal title of this legislative body."³⁷ The then unnamed legislature adopted the resolution on the following day and, from that day forward, lawmakers took the title "state senator."

On February 16, 1984, the Nebraska Legislature officially recognized both Norris' contributions and the 50th anniversary of the unicameral by naming the legislative chamber, "The George W. Norris Legislative Chamber."³⁸

³³Breckenridge, "The Origin and Development of the Nonpartisan Unicameral Legislature," 19.

³⁴Id.

³⁵Sittig, *The Nebraska Unicameral After Fifty Years*, 9.

³⁶Nebraska Blue Book, 2000-01, 407.

³⁷Legislative Journal, Jan. 11, 1937, 70-71.

³⁸Legislative Resolution 257, Legislative Journal, 25th day, Feb. 16, 1984, 987.

The Nebraska Legislature Today

Since the first session in 1937, the Legislature gradually grew, due to population increases and re-districting, to the current 49 senators with each member serving approximately 32,200 citizens. There are three qualifications necessary to hold the office of state senator. The individual must: (1) be a registered voter; (2) have attained the age of 21 years; and (3) have lived within the district in which he or she is running for at least one year prior to being elected.³⁹

The original Unicameral provided for two-year terms, however, this provision of the Constitution was amended in 1962 to provide for staggered four-year terms.⁴⁰ This means that about one-half of the Legislature is “up” for election every two years. The most recent constitutional development involves the limitation on the number of terms a legislator may serve. In 2000 the Nebraska voters approved an amendment to limit lawmakers to two consecutive terms.⁴¹ The term limits provision will be operative beginning in 2006.

Since the instigation of the one-house system, the composition of the Legislature has been biased toward professional, business, or farm interests. Of the 49 members in 2002, nine listed their primary occupation as attorney, thirteen as farmer and/or rancher, and thirteen listed their occupation as a business-related involvement. The remainder of the 2002 roster included retirees, educators, and full-time senators. Many more men than women choose to run and are elected to the Legislature, although women have made gradual strides in recent years. In the 1981 legislative session, there were only six female members. In 2002 the number of female members increased to ten.⁴²

³⁹NEB. CONST. art. III, § 8.

⁴⁰Jack Rodgers, Robert Sittig, and Susan Welch, “The Legislature,” in *Nebraska Government & Politics*, ed. Robert D. Miewald (Lincoln, Nebr.: University of Nebraska Press, 1984), 65.

⁴¹Nebraska Blue Book, 2000-01, 273.

⁴²Id., 395-403.

Until 1970 the Nebraska Legislature met once every other year unless a special session was called in extraordinary situations. However, the Nebraska Constitution was amended in 1970 to provide for annual sessions with alternating lengths (90-day sessions in odd-numbered years and 60-day sessions in even-numbered years). Sessions convene on the first Wednesday following the first Monday in January of each year.⁴³

The number of bills introduced each session varies on the length of the session. From 1991 to 2000, for example, an average of 873 bills were introduced in 90-day “long sessions” and an average of 499 bills were introduced in 60-day “short sessions.” The average number of bills passed into law during the same period was 309 in long sessions and 164 in short sessions.⁴⁴

The legislative process employed by the Nebraska Legislature is similar to other states in some respects (use of public hearings, rules of order, stages of debate, etc.) However, the key difference between the Nebraska Legislature and other state legislatures is the method of checks and balances. Since there is not a second house within the legislative process, the Nebraska Legislature emphasizes the role of standing committees. Unlike most states, every legislative bill introduced each session, with the exception of certain technical “revisor” bills, is given a public hearing.⁴⁵ It is then the function of the standing committees to sift through the bills to determine which will move forward in the process and which will not.

The succeeding chapters provide further examination of the Nebraska Legislature, its structure, its process, and its rules of procedure. Sources used to compile this report, included state laws concerning the operation of the Legislature, the official Rules of the Nebraska Legislature, and the Nebraska Constitution.

⁴³Id.

⁴⁴See Appendix E.

⁴⁵Rodgers, Sittig, and Welch, “The Legislature,” 65.

PART I ORGANIZATION

CHAPTER 2 LEADERSHIP

The Nebraska Legislature is unique among state legislatures for a variety of reasons. Not only is it the only unicameral, but also the only nonpartisan state legislature. It is also the smallest state legislature in terms of membership with 49 state senators. Yet another unique characteristic involves the structure of leadership.

This chapter describes the leadership positions within the Nebraska Legislature, the assigned duties and responsibilities, and unique attributes of each. These positions include the President of the Legislature, the Speaker of the Legislature, various committee chairpersons, and certain appointed officers.

President and Speaker of the Legislature

In most cases, the lower house of a bicameral legislature is lead by a “speaker” who is elected from among the members of that body and represents the party of the majority. In the upper house of a bicameral, in most cases, a “president” presides over the body but does not necessarily provide political leadership to the membership. The president of a bicameral is usually represented by the second in command of the executive branch (the lieutenant governor, or vice president in the case of the U.S. Congress). Political leadership in the upper house of a bicameral legislature falls to the “majority leader,” who represents the majority party.⁴⁶

The Nebraska Legislature uniquely incorporates both leadership positions, a president and a speaker, in the same body. The history behind this decision dates to the original drafters of the 1934 initiative measure. In fact the choice of a presiding officer presented a difficult

⁴⁶Arthur N. Holcombe, “Powers of the Speaker,” in *Unicameral Legislatures* ed. Harrison Boyd Summers, The Reference Shelf, Vol. 11, no. 1 (New York: The H.W. Wilson Co., 1937), 90-92.

balancing act between the powers normally assigned to the executive and legislative branches. Senator George Norris, one of the drafters of the constitutional amendment, initially advocated the Secretary of State to serve as the official who called the Legislature into session and the membership would then elect its own presiding officer. However, such a plan would eliminate the Lt. Governor from the legislative process and thereby sever any true “working” relationship between the executive and legislative branches.⁴⁷ Therefore, as a “carry-over” from the structure of the former Nebraska Senate, under the bicameral system, it was decided to designate the Lt. Governor as the chief presiding officer. In addition, a Speaker would be elected from among the members in order to serve as presiding officer in the absence of the Lt. Governor.⁴⁸

President of the Legislature

Until 1971 the office of the Nebraska Lt. Governor was a part-time position except when the Legislature was in session (every other year) at which time the Lt. Governor served full-time.⁴⁹ In 1970, the voters approved a constitutional amendment to make the office a full-time position effective in 1971.⁵⁰ The Lt. Governor, along with the Governor, served two-year terms of office until 1966 when another constitutional amendment, which passed in 1962, became operative and changed the term to four years.⁵¹

From the perspective of the executive branch, the principle duty of the Lt. Governor is to assume the role of chief state executive officer in the temporary absence of the Governor or in the event the Governor is removed or resigns from office or dies in office.⁵² From the

⁴⁷Senning, *The One-House Legislature*, 52-53.

⁴⁸Breckenridge, *One House for Two*, 15.

⁴⁹Nebraska Blue Book, 424.

⁵⁰Id., 265. Amendment 13c passed at the General Election of 1970 by a vote of 214,906 to 115,803 (65% to 35%).

⁵¹Id., 262. Amendment 4 narrowly passed at the General Election of 1962 by a vote of 198,601 to 195,177 (50.4% to 49.6%).

⁵²NEB. CONST. art. V, § 16.

perspective of the legislative branch, the Lt. Governor serves as the “President of the Legislature,” the official presiding officer as prescribed in the State Constitution.⁵³ Other legislative-related constitutional duties assigned to the Lt. Governor include the signing of all bills and resolutions passed by the Legislature and the casting his or her vote in the event of a tie vote on a legislative measure.

The extent to which the Lt. Governor physically serves as President of the Legislature depends greatly on the individual holding the office and, perhaps, on the wishes of the individual holding the office of Governor. Assuming a generally good working relationship exists between the Governor and his or her Lt. Governor, the actual duties assigned to the Lt. Governor may be more executive-oriented than legislative in nature. Some Lt. Governors in the past have chosen to focus primarily on their constitutional duty to preside over the Legislature while others have chosen (or were asked) not to devote as much time to the legislative process. Most Lt. Governors in recent years have attempted to find a balance between their legislative duties and those duties related to the administration of government.⁵⁴ Nevertheless, the Lt. Governor is the official President of the Legislature regardless of the extent to which he/she actually serves in that capacity.

Presiding Officer. The function of presiding over the Legislature deserves some exploration. During legislative sessions, the President of the Legislature is seated in the chamber at an elevated level immediately behind the Clerk of the Legislature. As will be discussed later, the Clerk’s role is to assist the President in the facilitation of the legislative proceedings. The elevated seating level allows the President to see all and be seen by all during the lawmaking process.

⁵³NEB. CONST. art III, § 7.

⁵⁴Sittig, *The Nebraska Unicameral After Fifty Years*, 18.

Figure 1: Official Duties of the Nebraska Lt. Governor

<i>Duty/Responsibility</i>	Authority	
	<i>Constitution</i>	<i>Legislative Rules</i>
Presiding officer of the Legislature	Art. III, § 7	Rule 1, § 5
Casting vote when Legislature is equally divided (tie breaking vote)	Art. III, § 7	Rule 1, § 14
Sign all bills and resolutions passed by the Legislature	Art. III, § 11	Rule 1, § 13
Sign and affix seal on all writs, warrants, and subpoenas issued by order of	none	Rule 1, § 13
Succeed Governor upon Governor's removal from office, resignation or death	Art. V, § 16	N/A
Serve as acting Governor upon Governor's temporary absence	Art. V, § 16	N/A
Serve on boards and commissions as designated by Governor	Art. V, § 16	N/A
Perform other duties as directed by the Governor	Art. V, § 16	N/A

Source: Nebraska Constitution; Nebraska Rules of the Legislature.

The two principle functions of a presiding officer are to: (1) formally recognize members to speak on a given matter; and (2) issue rulings on questions of parliamentary procedure or interpretations of the Rules of the Legislature.⁵⁵ Naturally, the overarching purpose of a presiding officer is also to “keep and maintain order during the session,” which on occasion may involve hammering the gavel to bring order or perhaps clearing the balcony of loud or unruly spectators.⁵⁶ However, it is important to note that the President does not have a voice in the substantive deliberations of political issues addressed by the Legislature.⁵⁷

The official rules of procedure require a member, who desires to speak on a given issue, to “rise from his or her seat and respectfully address” the President.⁵⁸ In practice, of course, this

⁵⁵Id., 17.

⁵⁶NEB. REV. STAT., § 50-113; NEB. RULES OF THE LEG. Rule 1, § 11.

⁵⁷Senning, *The One-House Legislature*, 63.

⁵⁸NEB. RULES OF THE LEG. Rule 2, § 7(a).

would necessitate all members remaining in their assigned seats until such time as they choose to rise and be recognized. It would be impractical for members of the body to remain seated throughout the average legislative day. In fact, members move around on the floor of the chamber to privately discuss issues with other members, leave the chamber to attend other matters, or simply rise to stretch their legs during a long debate.

Therefore, in most cases, the President “calls on” or recognizes a member to speak through a system of buttons and lights. A senator will press a button located on his or her desk indicating a desire to speak on an issue. The chamber communication system alerts the President of the members who wish to speak and also the order in which members expressed their desire to speak (i.e., a speaking list). The President then calls on individual senators in list order.⁵⁹

The President also tracks the number of times any given member speaks on an issue. Under the rules, a member may speak up to three separate times on “any one question in deliberation during the legislative day” and a limitation of five minutes is imposed on each speaking turn. However, if the member is “the mover, proposer, or introducer of the matter pending,” such as an amendment or a motion, then the member will be afforded up to ten minutes to speak.⁶⁰ The President closely monitors the time limit rule, notifies the speaker when one minute remains, and notifies the speaker when time has expired.

It is important to note that while the framers of the Unicameral envisioned the Lt. Governor in the role of President and presiding officer, subsequent Legislatures have repeatedly attempted to rid themselves of this executive branch influence. In fact, some past Lt. Governors have at least hinted that such a change would be acceptable, especially in light of the increasing

⁵⁹An exception to the normal system of recognition arises when a member offers a “priority motion” or wishes to offer a “point of personal privilege” in either case both the motion and the member making the motion move to the top of the speaking list. Such actions are usually written requests submitted to the President or Clerk in order to be recognized.

⁶⁰NEB. RULES OF THE LEG. Rule 2, § 10.

demands placed on their executive roles. The voters, on the other hand, have never given the idea much credit and support. Beginning in 1970, four separate constitutional amendments have been forwarded to the voters on the issue of eliminating the role of the Lt. Governor as presiding officer of the Legislature. As shown in Figure 2, all such amendments have failed.

Figure 2: Constitutional Amendments to Eliminate the Role of the Lt. Governor as Presiding Officer

<i>Year</i>	<i>Election</i>	<i>Amendment No.</i>	<i>For</i>	<i>Against</i>	<i>Result</i>
1970	General	13a	164,946	200,085	Failed (45.2% - 54.8%)
1974	Primary	2	99,052	180,100	Failed (35.5% - 64.5%)
1976	General	4	156,554	329,347	Failed (32.2% - 67.8%)
1998	Primary	6	118,495	145,133	Failed (45.0% - 55.0%)

Source: Nebraska Blue Book, 265-272.

Tie Votes. The Nebraska Constitution provides that the Lt. Governor may only vote on a legislative action when a tie vote exists among the membership. Similar authority permits the Vice President to vote in the case of an evenly divided U.S. Senate.⁶¹ In reality, there have been very few instances when the Nebraska Lt. Governor was empowered to cast a tie-breaking vote. However, one such case did occur in the early 1980s and the result of this incident caused a judicial review of the Constitution and the Lt. Governor's authority to cast her or her vote.

On May 28, 1981, the Legislature was in the process of considering various bills scheduled for a final vote (on Final Reading). All 49 senators were present on this day and the Lt. Governor (Roland Luedtke) was acting as the presiding officer. The vote on one of these measures (LB 376, relating to banking law) resulted in a tie vote (24-24 with one member abstaining). The Lt. Governor proceeded to cast his vote in favor of final passage of the bill, thereby causing the bill to be passed and subsequently forwarded to the Governor (Charles Thone) for consideration. Before the Governor could act on the bill, several legislators,

⁶¹U.S. CONST. art. I, § 3, cl. 4.

including then Speaker Richard Marvel, requested an opinion from the Attorney General on the constitutionality of the Lt. Governor casting a tie-breaking vote when the question involves the final passage of a bill. The Attorney General (Paul Douglas) immediately issued an opinion, which stated that the Lt. Governor is constitutionally “precluded from voting on final passage of any bill.”⁶² Accordingly, Governor Thone returned the bill to the Legislature citing the Attorney General Opinion as the reason for not acting upon it.

On December 18, 1981, a Nebraska banking company sued the State of Nebraska and alleged that LB 376 had been properly passed by the Legislature and should have been implemented according to law.⁶³ They further alleged that the legislation became operative because the Governor neither vetoed nor signed the bill, thus allowing the measure to become law at the expiration of five days after the bill had been presented to him.

In a narrow 4-3 decision, the Nebraska Supreme Court ruled against the plaintiffs and in favor of the State of Nebraska. The majority opinion cited two sections of the State Constitution, which in their minds provided no other conclusion but that the Lt. Governor may not vote on the passage of bills. The two provisions include Article III, Section 13, which states in part, “No bill shall be passed by the Legislature unless by the assent of a majority of all members elected” The other provision, Article III, Section 10, states, “The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided.” However, it was the first of these provisions that was deemed controlling in the case.

The language of article III, § 13, is so clear that we believe there can be little doubt about its meaning. That provision requires ‘the assent of a majority of all members elected’ to the Legislature. The Lieutenant Governor is not a member of the Legislature. Since the Legislature consists of 49 members, a bill must receive the affirmative vote of 25 senators on final reading before it can become law.⁶⁴

⁶²Attorney General Opinion 81115, May 29, 1981.

⁶³*Center Bank v. Dept. of Banking & Finance* (1981), 210 Neb. 227.

⁶⁴*Id.*

The ruling stated that the interpretation does not contradict but rather harmonizes the meaning of Article III, Section 10. Therefore, the Lt. Governor is eligible to vote on all questions before the Legislature when it is equally divided, except when the question involves the vote to pass a measure.

As a final note on the Lt. Governor's authority to break tie votes, it should be emphasized that such occurrences are very rare. It should also be noted that the Lt. Governor is not required to break tie votes; the Lt. Governor may cast his or her vote as deemed necessary or appropriate.

Signing Measures Passed by the Legislature. It is a common practice among legislative bodies to formalize the process of passing bills and the Nebraska Legislature is no exception. The Nebraska Constitution requires the President of the Legislature to sign all passed bills and resolutions (i) in the presence of the Legislature and (ii) while the Legislature is in session and capable of transacting business.⁶⁵ Once signed by the presiding officer, the measure is presented to the Clerk of the Legislature who, in turn, forwards it to the executive branch. Similarly, all writs, warrants, and subpoenas issued by the Legislature require the signature of the presiding officer, either the Lt. Governor or the Speaker.⁶⁶

Speaker of the Legislature

Without question, the focus of leadership in the Unicameral rests with the Speaker, who serves simultaneously as an elected senator from his or her legislative district and the leader of the Legislature itself. In fact, the office of Speaker was the only internally elected position specifically mentioned in the 1934 constitutional amendment, which created the present legislative system.⁶⁷ As noted earlier, the Speaker is typically the elected representative of the

⁶⁵NEB. CONST. art. III, § 14.

⁶⁶NEB. RULES OF THE LEG. Rule 1, § 13.

⁶⁷Summers, *Unicameral Legislatures*, 211.

majority party in the lower house of American legislatures (both state and national). In the Nebraska Legislature, however, the position is “apolitical much like the speakership of the British House of Commons.”⁶⁸ The Nebraska Speaker is meant to be a true leader for all members and the institution as a whole.

The office of Speaker has perhaps evolved more than any other component of the Nebraska legislative system. For the first 40 years of the Unicameral, the position, with a two-year term of office, was largely a “ceremonial or honorific role.”⁶⁹ As late as 1969, the individual holding the office was considered more of a “figurehead” without many of the powers normally associated with such role in other state legislatures.⁷⁰ Nevertheless, the position was always considered the “highest honor the body could bestow upon a member” and this remains true today.⁷¹

The speakership gradually increased in stature over the last several decades due in part to the increased demands and “institutional needs of the body.”⁷² While the office is not as powerful as that of partisan legislatures, it has progressed to “at least medium levels of authority and influence.”⁷³ Perhaps one factor in this evolution was the historic re-election of then Speaker Richard Marvel, who served in the position from 1979 to 1982. Until Marvel, the Speaker had traditionally served only one term of office and, in most cases, quietly retired from legislative life.⁷⁴ Since then, several Speakers have been elected and re-elected but no such individual has

⁶⁸James B. Johnson, “Selection and Task Definition: Leadership in the Nebraska Legislature,” in *Nonpartisanship in the Legislative Process: Essays on the Nebraska Legislature*, ed. John C. Comer and James B. Johnson (Washington D.C.: University Press of America, 1978), 49.

⁶⁹Rodgers, Sittig, and Welch, “The Legislature,” 68.

⁷⁰Charlyne Berens, *Leaving Your Mark: The Political Career of Nebraska State Senator Jerome Warner* (Seward, Nebr.: Nebraska Times, 1997), 58.

⁷¹Id.

⁷²Sittig, *The Nebraska Unicameral After Fifty Years*, 18-19.

⁷³Id.

⁷⁴Rodgers, Sittig, and Welch, “The Legislature,” 68.

served more than four years in the position. However, the speakership is still regarded as the pinnacle of a legislator's career, after which most have moved on to other pursuits and careers (see Figure 3).

Figure 3: Nebraska Speakers from 1979-2001

<i>Speaker</i>	<i>Election History</i>	<i>Years in Legislature</i>	<i>Post Legislative Career</i>
Richard Marvel	<i>Served in Legislature: 1951-55, 1959-82; Elected Speaker: 1979, 1981</i>	29	Retired; Died 1986
William Nichol	<i>Served in Legislature: 1975-87; Elected Speaker: 1983, 1985</i>	13	Elected Lt. Governor
William Barrett	<i>Served in Legislature: 1979-90; Elected Speaker: 1987, 1989</i>	12	Elected U.S. House of Representatives
Dennis Baack	<i>Served in Legislature: 1985-93; Elected Speaker: 1987, 1989</i>	9	Executive Director, Nebraska Community College System
Ron Withem	<i>Served in Legislature: 1983-97; Elected Speaker: 1994, 1995, 1997</i>	15	Director of Govern. Relations, University of Nebraska-Lincoln
Doug Kristensen	<i>Served in Legislature: 1989-2002; Elected Speaker: 1998, 1999, 2001</i>	14	Chancellor, University of Nebraska-Kearney

Source: Nebraska Blue Book, 395-405.

Election of Speaker: From 1937, the year of the first Unicameral Legislature, to the present day, the speakership has remained two-year term of office. The Rules of the Legislature neither provide for nor prohibit the re-election of the Speaker and, as mentioned earlier, recent Speakers have pursued and won re-election to the office. The election of Speaker and other elected officers occurs by secret ballot on the first day of the session of each odd-numbered year.⁷⁵ Officers are elected by a simple majority vote of the elected members.

If the Speaker dies or resigns during a legislative session, a new Speaker would be immediately nominated and elected by the body for the balance of the term. If the Speaker dies or resigns during the interim, the position remains vacant until the next regular or special session of the Legislature.⁷⁶ The Speaker, like all other officers, may be "recalled" (removed) by the

⁷⁵NEB. RULES OF THE LEG. Rule 1, § 1(a).

⁷⁶Id., Rule 1, § 1(b)(ii).

Legislature upon a two-thirds vote of the body. However, in the event of a motion to recall, five legislative days must transpire before a vote may be taken.⁷⁷

President Pro Tem: The Speaker serves as President pro tem (i.e., “for the time being”) and the first alternate presiding officer in the absence of the Lt. Governor.⁷⁸ When serving in this capacity, the Speaker is typically recognized as the “President” and referred to as such when addressed by members of the body. All duties and responsibilities assigned to the Lt. Governor, when acting as President, automatically transfer to the Speaker when serving in that capacity.⁷⁹ The main difference, of course, is that the Speaker, as an elected member of the Legislature, may vote on all issues brought before the body even while serving as presiding officer. The Speaker is also empowered to speak at any stage of the proceedings relevant to the duties and responsibilities of his or her office.⁸⁰ However, the Speaker traditionally returns to his or her assigned seat in the chamber if desiring to speak on a given political matter before the body, such as measures or motions he or she wishes to support or oppose.

If both the Lt. Governor and Speaker are absent, the Rules of the Legislature provide an established order of designated presiding officers (see Figure 4). These “temporary” presiding officers assume all powers and duties of the President of the Legislature with one exception: they may not sign passed bills and resolutions.⁸¹ When the Lt. Governor is absent and the Speaker is present but chooses not to preside, he or she may name any member of the Legislature to serve as presiding officer.⁸² Once again, however, the alternate presiding officer may not sign passed bills and resolutions.

⁷⁷Id., Rule 1, § 3(b).

⁷⁸Breckenridge, “The Origin and Development of the Nonpartisan Unicameral Legislature,” 14.

⁷⁹NEB. RULES OF THE LEG. Rule 1, § 5.

⁸⁰Id., Rule 1, § 15.

⁸¹Id., Rule 1, § 7.

⁸²Id., Rule 1, § 8.

*Figure 4: Order of Designated Presiding Officers
in the Absence of Lt Governor and Speaker*

Order	Position
1	Chairperson, Executive Board
2	Chairperson, Committee on Committees
3	Chairperson, Committee on Judiciary
4	Chairperson, Committee on Government, Military and Veterans Affairs
5	Chairperson, Committee on Appropriations
6	Chairperson, Committee on Revenue
7	Chairperson, Committee on Education
8	Chairperson, Committee on Banking, Commerce and Insurance
9	Chairperson, Committee on Natural Resources
10	Chairperson, Committee on Agriculture
11	Chairperson, Committee on Health and Human Services
12	Chairperson, Committee on General Affairs
13	Chairperson, Committee on Business and Labor
14	Chairperson, Committee on Urban Affairs
15	Chairperson, Committee on Transportation and Telecommunications

Source: NEB. RULES OF THE LEG. Rule 1, Sec. 6.

Committee Assignments: The Speaker is prohibited from serving as a regular member of any standing committee of the Legislature.⁸³ However, by virtue of the office, the Speaker is automatically a voting member of the Executive Board of the Legislative Council (discussed on page 30).⁸⁴ The Speaker also serves as an ex officio member of the Rules Committee (see Chapter 3).⁸⁵

Agenda Setting: Similar to the speakership in partisan legislatures, the Nebraska Speaker assumes the responsibility of formulating the daily agenda. However, unlike partisan legislatures, the Nebraska Speaker is expected to be “fair and reasonable” in the facilitation of this duty.⁸⁶ As a check and balance on agenda setting, the Rules require the Speaker to seek the

⁸³Id., Rule 3, § 3(b).

⁸⁴Id., Rule 1, § 1(a).

⁸⁵Id., Rule 3, § 4(b).

⁸⁶Johnson, “Selection and Task Definition: Leadership in the Nebraska Legislature,” 49.

approval of the Executive Board on the order of bills and resolutions on General File (the first stage of debate). In most cases, the bills appear on General File in the order they were advanced by their respective committee. However, the Rules also require certain types of measures to take precedence over others. General appropriation bills (budget bills), for instance, are given first ranking, and “priority” bills are ranked higher than non-priority bills.⁸⁷

The Speaker is also permitted to designate on the agenda those bills that will be considered for a vote on Final Reading (the last stage of consideration) without an “at large reading.” The Constitution requires all bills to be read out loud by the Clerk before the Legislature takes a final vote.⁸⁸ However, due to the length of the average bill, the Clerk must read very quickly causing what some might consider a constant mumble of inaudible words. In 1996, the voters approved a constitutional amendment to dispense the reading of a measure when three-fifths of the Legislature vote to do so.⁸⁹ Since 1996 it has become the duty of the Speaker to choose which measures will be placed on the agenda for a vote to dispense with reading at large.⁹⁰

Speaker Major Proposals: In 1996 the Rules were amended to allow the Speaker to designate up to five measures as “Speaker major proposals” or what many have called “super priorities.” This new authority represents perhaps another example of the increasing power afforded the Speaker in recent years. Speaker major proposals take precedence over all other priority measures and permit the Speaker to order the pending amendments and motions during debate. However, there are several checks on this authority. The Speaker may only designate as major proposals those measures that have been previously designated as a senator priority (see

⁸⁷NEB. RULES OF THE LEG. Rule 1, § 16

⁸⁸NEB. CONST. art. III, § 14.

⁸⁹Nebraska Blue Book, 270.

⁹⁰NEB. RULES OF THE LEG. Rule 6, § 8(a).

Chapter 7) or otherwise represent a general appropriation (budget) bill. In addition, all major proposals must be approved by a two-thirds vote of the Executive Board.⁹¹

If necessary, the Speaker may also require a specific committee, to which a major proposal has been referred (i) to hold a public hearing by a date certain as mutually agreed by the Speaker and committee chairperson, or (ii) to take action on the measure by a date certain as determined by the Speaker and committee chairperson.⁹²

Consent Calendar: Another power of the speakership is called “consent calendar,” a legislative process to expedite non-controversial measures. Under consent calendar, the Speaker has the authority to place on a special agenda any bills advanced out of committee with no dissenting votes. Under the Rules, the Speaker exercises sole discretion in determining both when to schedule consent calendar and which qualified bills will be placed on it. However, certain limitations apply to the Speaker’s authority:

- (1) A bill placed on consent calendar must be announced on the agenda at least twenty-four hours prior to any action taken on consent calendar; and
- (2) Any bill placed on consent calendar will be removed at the written request of three or more senators. Such request must be filed with the Clerk prior to the expiration of fifteen minutes of debate, at that stage of consideration, on the bill to be removed.⁹³

The consent calendar process usually occurs at least once during a regular session, sometimes more often. Consent calendar is usually set to begin and end at specific times during a legislative day with as many bills being addressed as possible during that timeframe. The Rules specify the procedures to be used on consent calendar:

- (1) All bills on consent calendar are allotted fifteen minutes for introduction and debate.
- (2) Upon either the completion of debate or the expiration of fifteen minutes, whichever comes first, a vote will be taken to advance the bill.

⁹¹Id., Rule 1, § 17(a) and (c).

⁹²Id., Rule 1, § 17(b).

⁹³Id., Rule 5, § 6.

- (a) If there is a pending motion or amendment before the body when either the debate ends or the fifteen minutes expire, a vote will be taken on the pending matter followed by an immediate vote to advance the bill.
- (b) If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote will be taken on the original amendment.
- (c) If the original amendment has been divided, then the vote will be on the original undivided amendment being considered.⁹⁴

Other Duties: Implicit in the “job description” for Speaker is a thorough knowledge of the Rules of the Legislature. The late Jerome Warner, who served as Speaker from 1969-70, said that it is essential for a Speaker to know the Rules and act quickly upon them in order to prevent distraction from the lawmaking process.⁹⁵ Another implicit factor in the job is one of expedition. Johnson⁹⁶ writes, “Above all, a good speaker is seen as an expediter.” He or she maintains order in the chamber and facilitates an efficient lawmaking environment where all senators may enjoy an “even playing field” to pursue their legislative agendas.

State law requires the Speaker to serve as acting Governor in the event both the elected Governor and Lt. Governor are absent from the state or otherwise incapable of performing the duties of the chief executive officer. If both the Lieutenant Governor and Speaker become incapable of performing the duties of Governor, the duties of Governor succeed to various legislative committee chairpersons, beginning with the Chairperson of the Executive Board.⁹⁷

The Speaker has many other duties and responsibilities, some major and some minor in nature. Some of the duties prescribed in the Rules of the Legislature are very seldom exercised, but they nevertheless exist in the event the need arises. Figure 5 outlines some of the other duties and responsibilities assigned to the Speaker.

⁹⁴Id., Rule 5, § 6.

⁹⁵Berens, *Leaving Your Mark*, 75.

⁹⁶Johnson, “Selection and Task Definition: Leadership in the Nebraska Legislature,” 51.

⁹⁷NEB. REV. STAT. §§ 84-120 to 84-121.

Figure 5: Other Functions of the Speaker

<i>Function</i>	<i>Authority</i>
Compel a committee chairperson to file report on the final action of bill in the committee's jurisdiction.	Rule 3, § 20(b)
Opt to re-refer a bill to the Reference Committee if it has been substantially amended to the extent that it becomes a new or different bill than that originally advanced from committee.	Rule 6, § 3(g)
Refer a bill back to committee if, in the opinion of the Speaker, the bill is in improper form when advanced from committee.	Rule 6, § 3(h)
After consultation with the introducer, the Speaker may rule amendments or motions to a bill as dilatory and may rule same out of order, or temporarily remove the entire measure from the agenda.	Rule 7, § 11
Postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to weather or other causes, or (2) a quorum cannot be assembled.	Rule 1, § 16(b)
Establish the deadline for priority bill designations provided that the set date occurs prior to the halfway point of each regular session.	Rule 5, § 5(d)
Authorize the Clerk to distribute material on the chamber desks of senators that was prepared by state agencies.	Rule 2, § 3(g)
Excuse members from attendance in the chamber or meetings in assigned committees.	Rule 2, § 4(a)
Work with the Committee on Committees to establish meeting dates for standing committees.	Rule 3, § 7(a)
Determine the method for adoption of resolutions that do not involve amendments to the Constitution (individually or in groups).	Rule 4, § 5(a)
Introduce on behalf of the Governor the budget bills prepared by the Governor (introduction does not necessarily signify support).	Rule 5, § 8
Invoke a special privilege to speak to the body prior to a vote on a motion to adjourn or recess.	Rule 7, § 9
Serve as a voting member of the Tax Rate Review Committee along with the Chairpersons of the Executive Board, Appropriations Committee and Executive Board.	NEB. REV. STAT. § 77-2715.01(2)

Source: Nebraska Revised Statutes, Nebraska Rules of the Legislature.

Other Elected Officers

In addition to the Speaker, the Legislature biannually elects three other officers by at large election: (1) the chairperson of the Committee on Committees; (2) the chairperson of the Executive Board; and (3) the vice chairperson of the Executive Board. The Legislature also elects by caucus six other officers, who serve as members of the Executive Board.

Chairperson of the Committee on Committees

Aside from the Executive Board, there may not be any other committee as crucial to the legislative process than the Committee on Committees. This Committee determines the makeup of each standing committee along with a few other select and special committees. Committee assignments are a crucial part of the legislative process because senators usually have a personal agenda that will be facilitated if they receive their preferred appointments.⁹⁸ The assignment to an “important committee, one that considers important legislation,” provides the senator with the recognition he or she needs to win re-election.⁹⁹

The Committee on Committees is one of four “select committees” and is comprised of twelve members, chosen by caucus, plus a chairperson, elected by an at large vote of the Legislature. The chairperson is elected on the first day of each odd-numbered regular session and serves a two-year term of office.¹⁰⁰ A vice chairperson is elected from among the members of the committee and serves in a leadership capacity in the absence of the chairperson.¹⁰¹

The Committee is expected to act fairly in its work of assigning members to various committees and the chairperson is expected to lead this effort in an unbiased manner. Therefore, an element of trustworthiness is implicit in the selection of chairperson. Like all other at large elected officers, candidates for the position are allowed to speak on their own behalf prior to the election. Some of the typical comments made by such candidates include their length of service in the Legislature and their knowledge of the inner workings of the body.

⁹⁸Wayne L. Francis, *The Legislative Committee Game: A Comparative Analysis of Fifty States* (Columbus: Ohio State University Press, 1989), 25.

⁹⁹Douglas Bothum, John Comer, and Robert Sittig, “Committee Assignments in the Nebraska Legislature: Politics without Partisanship,” in *Nonpartisanship in the Legislative Process: Essays on the Nebraska Legislature*, ed. John C. Comer and James B. Johnson (Washington, D.C.: University Press of America, 1978), 61.

¹⁰⁰NEB. RULES OF THE LEG. Rule 1, § 1.

¹⁰¹*Id.*, Rule 3, § 8(c).

Caucus System. Some political scientists suggest the composition of the Committee on Committees “generally reflects the dominant elements of each caucus,” however, there may be a tendency to select “ideological moderates” to this committee.¹⁰² As shown in Figure 6, the caucus system used by the Legislature is comprised of three zones or regions that approximate somewhat equal populations of the state.¹⁰³ At some point during the first day of each session in odd-numbered years, the body divides into their respective caucuses and each caucus elects four members to serve on the committee.¹⁰⁴ Each committee member serves a term of two years. The newly elected members from each caucus then take down the preferences of each member in the caucus as to committee assignments.

Assignment Process. Immediately following the at large election of chairperson and the caucus elections of committee members, the Committee on Committees is required to meet and begin its business of assigning members to other committees.¹⁰⁵ The mission of the committee is to make sure each committee of the Legislature is relatively even in makeup from the three caucuses. In most cases, the decisions of the committee are straightforward since most veteran lawmakers stay with their previously assigned committees. However, the seniority factor is often invoked if a veteran lawmaker wishes to switch committee assignments. This usually leaves relatively few available assignments for the newly elected members. It is not unusual for some “politicking” or “jockeying” to occur even before the committee meets in order to secure positions on certain committees.¹⁰⁶

¹⁰²Bothum, Comer, and Sittig, “Committee Assignments in the Nebraska Legislature,” 64.

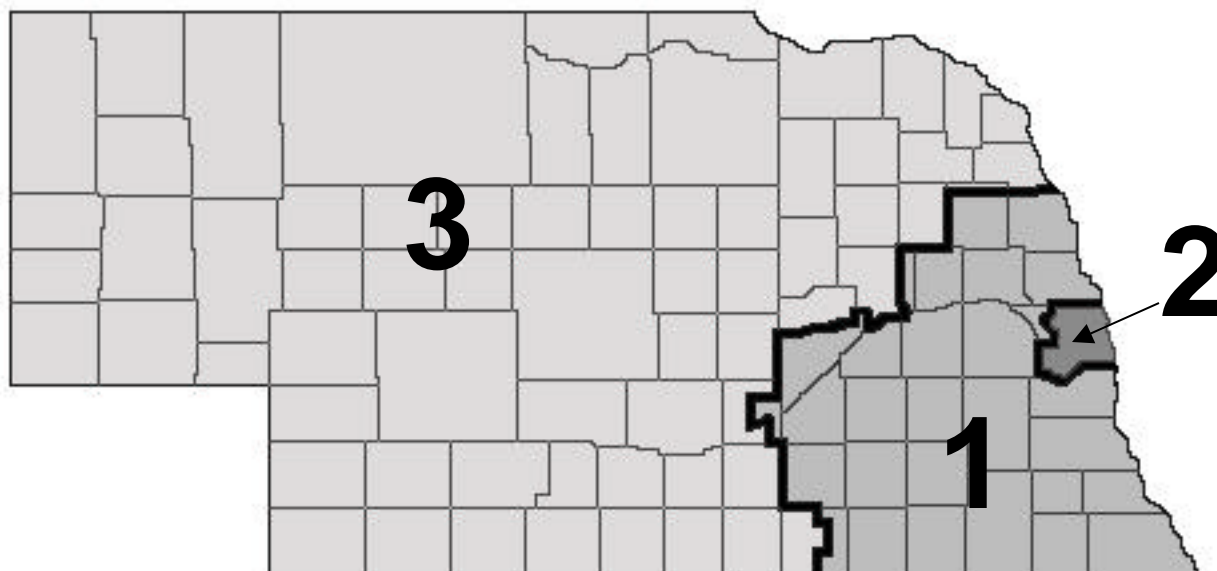
¹⁰³Prior to 1997 there were four caucuses that approximated the Nebraska congressional district map from the 1960s even though the state had long since reduced its congressional districting to three districts.

¹⁰⁴NEB. RULES OF THE LEG. Rule 3, § 2(a).

¹⁰⁵Id., Rule 3, § 2(b).

¹⁰⁶Bothum, Comer, and Sittig, “Committee Assignments in the Nebraska Legislature,” 63.

Figure 6: Nebraska Legislative Caucuses



Caucus 1: Legislative Districts 1, 2, 15, 21, 22, 24-30, 33-35, and 46

Caucus 2: Legislative Districts 3-14, 20, 31, 39, and 45

Caucus 3: Legislative Districts 16-19, 23, 32, 36-38, 40-44, and 47-49.

Source: NEB. RULES OF THE LEG. Rule 1, § 1.

After completing its work and approving the proposal by a majority vote of the committee, a preliminary report of appointments is submitted to the Legislature for review. On the following session day, the committee meets once again and, by a majority vote, submits a final report for the Legislature's approval. Once the final report is presented to the Legislature, no amendments may be considered. If the Legislature, by majority vote, fails to adopt the final report on committee assignments, the Committee on Committees must reconvene for further action. In most cases, however, the final report is approved and the business of the Legislature moves forward.¹⁰⁷

Other Duties. The Committee on Committees performs several other duties throughout each session. One of these duties involves hearing and disposing of all written complaints filed

¹⁰⁷NEB. RULES OF THE LEG. Rule 3, § 2(b).

by a senator against any committee chairperson. It also has the authority to call before it various committee chairpersons to discuss the workload of their respective committees.¹⁰⁸ Finally, if during the session, a vacancy occurs on a committee due to the death or resignation of a member, it becomes the duty of the Committee on Committees to fill the position by a majority vote of its membership. If a vacancy occurs within the Committee on Committees, the appropriate caucus will meet to replace the individual.¹⁰⁹

Executive Board

During the initial session of the Nebraska Unicameral in 1937, one of the first bills to be passed involved the creation of the “Legislative Council,” which currently consists of all members of the Legislature. The principle purpose of the Legislative Council is to consider legislative policies during the interim periods.¹¹⁰ The exact duties of the Council include examining the effects of previously enacted statutes and recommend modifications, and to generally collect information concerning the government and general welfare of the state.¹¹¹

The first Unicameral Legislature also created an “Executive Board of the Legislative Council” (often shortened to “Executive board”) in order to manage the administrative affairs of the body.¹¹² The Executive Board is one of five “Special Committees” of the Legislature and is truly unique among all the legislative committees. It is the only committee in which both the chairperson and vice chairperson are elected at large by the whole body. All other committees elect their own vice chairperson from among their individual memberships. The distinctiveness of electing both the vice chairperson by at large election is due, in part, to the level of importance

¹⁰⁸Id., Rule 3, § 4(c)

¹⁰⁹Id., Rule 3, § 2(d).

¹¹⁰NEB. REV. STAT. § 50-401.

¹¹¹Id., § 50-402.

¹¹²Id., § 50-401.01.

associated with the Board. In the event the chairperson is unable to fulfill the duties of the office, the body reserves the authority to select his or her replacement, thus the at large election of both individuals.

In addition to the Chairperson and Vice chairperson, other voting members of the Board include the Speaker and six members (two members elected from each of the three caucuses). The Chairperson of the Appropriations Committee serves as a nonvoting *ex officio* member whenever the Board is considering fiscal issues. All voting members of the Board are considered officers of the Legislature and serve two-year terms of office.

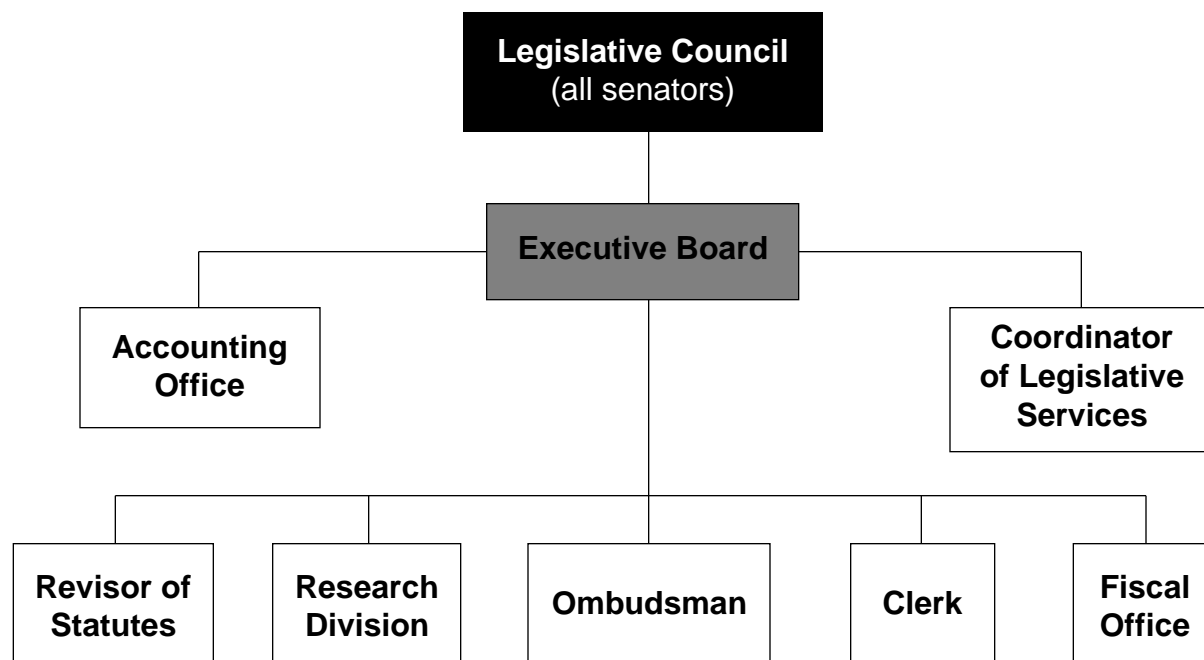
Administration. The Executive Board acts as an “administrative subcommittee of the entire Legislature” and provides administrative functions on behalf of the body on a year round basis. These administrative functions include: (1) supervision all of services and service personnel of the Legislature; (2) employment and establishment of compensation and other terms of employment for legislative personnel; (3) appointment of persons to fill various division head positions, such as the Legislative Fiscal Analyst, Director of Research, and Revisor of Statutes; and (4) contracting to obtain legal, auditing, accounting, actuarial, or other professional services or advice on behalf of the executive board or the Legislature itself.¹¹³

As shown in Figure 7, the Executive Board manages seven different, yet interrelated, offices that provide services to the Legislature. These offices include the Office of the Clerk of the Legislature, the Accounting Office, the Coordinator of Legislative Services, the Revisor of Statutes, the Legislative Research Division, the Ombudsman, and the Legislative Fiscal Analysts Office.¹¹⁴ All such offices provide important services and support to senators and the legislative process in general. Several of these offices are explored below and others in later sections.

¹¹³Id., § 50-401.01.

¹¹⁴Nebraska Legislator’s Guide.

Figure 7: Legislative Organizational Chart



Source: Nebraska Legislator's Guide, F-2.

Ombudsman. Also known as the Office of Public Counsel, the Ombudsman investigates and seeks informal resolutions of citizens' complaints involving administrative agencies of state government. The Ombudsman's Office is a service the Legislature provides to citizens who encounter problems in their dealings with state agencies. (The jurisdiction of the office does not include the courts, the Legislature, the Governor and his or her immediate staff, political subdivisions or federal government entities.) The powers of the Ombudsman's Office may be viewed as a delegation and specialization of the general oversight functions of the Legislature. The investigative powers of the Ombudsman's Office are broad, including freedom of access to agency records and facilities. Those powers are complemented by the many years of experience that the Ombudsman's Office has had in working with state agencies. If an investigation discloses that a citizen has been treated improperly by a state agency, the office works with the agency involved to resolve the complaint through appropriate corrective action.¹¹⁵

¹¹⁵Nebraska Legislator's Guide, F-35.

The staff of the Ombudsman's Office includes a Deputy Public Counsel for Corrections, who is primarily responsible for investigating prison-related complaints. The staff also includes a Deputy Ombudsman for Welfare Services, whose job includes investigating and resolving complaints arising from the administration of the state's welfare services system. In addition to handling complaints, the Ombudsman's Office also provides general information about state government to the public.¹¹⁶

Legislative Research Division. The Legislative Research Division (LRD) employs a group of research analysts and a legal counsel who provide public policy and legal research for the Legislature. During the legislative session, members of the research staff are kept busy responding to questions submitted by senators' offices. In general, the research that is undertaken during session is of a short-term nature and covers a wide variety of topics related to public policy issues being addressed by the Legislature. To a great extent, the LRD attends to longer-term projects during interims. They are available to participate in major interim studies, and they take advantage of the interim to do more extensive research on topics of ongoing interest that were referred to them during the legislative session.¹¹⁷

Reference Committee. The Executive Board serves as the Reference Committee, which reviews each bill and resolution and refers the measure to the appropriate standing committee.¹¹⁸ Measures are referred based upon their subject matter and matched to the committee having subject-matter jurisdiction over the issue or which has traditionally handled the issue. The Reference Committee also receives all nominations made to the Legislature by the Governor, which require confirmation by the Legislature. The Reference Committee then refers the nomination to the appropriate standing committee.

¹¹⁶Id.

¹¹⁷Id., F-39.

¹¹⁸NEB. RULES OF THE LEG. Rule 3, § 4(e).

Figure 8: Other Duties of the Executive Board

<i>Function</i>	<i>Authority</i>
Approve the Speaker's order of measures on General File	Rule 1, § 16(a)
Approve by two-thirds vote all Speaker major proposals	Rule 1, § 17
Exercise jurisdiction over bills and resolutions and hold hearings regarding such legislation when the issue presented by the measure is one of general import to the Legislature.	Rule 3, § 5(c)
Refer interim study resolutions to the appropriate committee	Rule 4, § 3
Introduce the Revisor of Statutes' correctional bills	Rule 5, § 3(a)
Recommend nomination of appointed officers, including Clerk, Assistant Clerk, Sergeant at Arms, and Chaplain Coordinator	Neb. Rev. Stat. § 50-111; Rule 1, § 2.

Sources: Nebraska Revised Statutes; Nebraska Rules of the Legislature.

Vacancies. The Vice Chairperson will serve as acting Chairperson upon the resignation or death of the Chairperson until the next regular session of the Legislature, at which time a new Chairperson will be elected to serve for the balance of the original term. A vacancy among the six members of the Executive Board will be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected will serve for the balance of the original term.¹¹⁹

Duties of the Chairperson. The Chairperson of the Executive Board is officially first in line to serve as presiding officer of the Legislature in the event both the Lt. Governor and Speaker are absent. In very rare circumstances, the Chairperson is also in line to serve as acting Governor in the event that the Governor, Lt. Governor, and Speaker are absent from the state on any given day.¹²⁰ The Chairperson of the Executive Board also serves as a voting member of the Tax Rate Review Committee along with the Speaker, and the Chairpersons of the Appropriations and Revenue Committees.¹²¹

¹¹⁹Id., Rule 1, § 1(b).

¹²⁰NEB. REV. STAT. §§ 84-120 to 84-121.

¹²¹Id., § 77-2715.01.

Appointed Officers

Upon the recommendations of the Executive Board, the Legislature appoints on the first day of each odd-numbered year the following four officers: (1) Chief Clerk of the Legislature; (2) Assistant Clerk of the Legislature; (3) Sergeant at Arms; and (4) Chaplain Coordinator.¹²²

Clerk of the Legislature

The Office of the Clerk of the Legislature serves as the “administrative arm of the Legislature” and is one of several offices under the oversight of the Executive Board.¹²³ The Clerk has a vital role in the legislative process and, during legislative sessions, is most often seen in the chamber standing directly in front of but at a lower level than the presiding officer.

Parliamentarian. The Clerk assists the presiding officer throughout the legislative process and is responsible for ensuring that all constitutional, statutory, and policy positions for the Legislature are followed.¹²⁴ The Clerk is also the chief parliamentarian and helps to guide the presiding officer and the Legislature as a whole in obeying procedural rules, both the Rules of the Legislature and, in the absence of any other authority, the Mason’s Manual of Legislative Procedure.¹²⁵ In fact, the Nebraska Legislature’s choice of parliamentary manuals is interesting in its own right and deserves further exploration.

The Mason’s Manual of Legislative Procedure is periodically revised and updated by the National Conference of State Legislatures (NCSL) in cooperation with the American Society of Legislative Clerks and Secretaries (ASLCS). The Manual is considered the definitive work on the “ins and outs” of the legislative process. It is the only parliamentary manual designed

¹²²Id., § 50-111; NEB. RULES OF THE LEG. Rule 1, § 2. Until the 1960s, the appointed officers included a Postmaster, but this position became obsolete due to changes in postal service to the Capitol.

¹²³Nebraska Legislator’s Guide, F-14.

¹²⁴Id.

¹²⁵NEB. RULES OF THE LEG. Rule 2, § 1(b).

specifically for state legislatures. In fact, seventy of the 99 legislative chambers in the United States use the Manual as their parliamentary authority.¹²⁶ The Mason's Manual Revision Commission, on which the Nebraska Clerk serves, continually gathers information from the states on current rulings and interpretations and periodically shares this information with various legislative bodies.

Mason's Manual is specifically designed in relation to the legislative process and to deal with bills and other issues and problems that arise within the legislative environment. One of the most notable differences between Mason's and, for example, Robert's Rules is that the latter requires motions to be seconded while Mason's does not. According to Mason's, the effect of requiring a second to a motion is to require that no business can be presented except by two people—one who makes the motion and one who seconds it. Naturally, this is contrary to full and complete deliberation of a motion within a legislative body. As discussed in later sections, however, most standing committees of the Nebraska Legislature utilize a parliamentary procedure during executive sessions that is closer in nature to Robert's than Mason's.

Legislative Journal. Perhaps one of the most important functions of the Clerk's office is the preparation of a daily Legislative Journal during legislative sessions.¹²⁷ The Journal is prepared at the conclusion of each session day and, after any necessary corrections, stands approved without motion on the following session day.¹²⁸ The Journal does not include transcripts of debates or speeches as found, for example, in the U.S. Congressional Record, however, it does include the following: (1) messages from the Governor in full; (2) titles of bills; (3) every vote taken by the Legislature; (4) a brief statement of the contents of each resolution,

¹²⁶The NCSL reports that thirteen states use the Jefferson's Manual, and four use Robert's Rules of Order.

¹²⁷NEB. REV. STAT. § 50-114. The Clerk also prepares a compilation of all editions of the Legislative Journal at the conclusion of each regular session of the Legislature. *Id.*, § 50-114.01.

¹²⁸NEB. RULES OF THE LEG. Rule 1, § 19(a).

petition, memorial, or other paper presented for the consideration by the Legislature; (5) the hour at which the Legislature adjourns; (6) all amendments for which a vote is taken; (7) the text of amendments that do not exceed ten pages in length; and (8) a list of registered lobbyists.¹²⁹ In short, the Journal contains not only the record of what happened the previous session day, but also holds a record of what might lay ahead for a given legislative measure. Senators, staff, and all other interested parties regularly review the Journal in order to know what, if any, amendments and/or motions have been filed on pending bills and resolutions.

Management. The Clerk manages a variety of offices and divisions that provide services to both legislators and the general public. These offices include the “bill room” which provides copies of bills, resolutions, amendments, and the daily Legislative Journals. The Clerk is responsible for the printing of all legislative bills, resolutions, and amendments in as timely manner as possible. The Clerk’s office maintains legislative histories and records, including committee hearing records, introducer’s statements of intent, and debate transcripts as prepared by the Legislative Transcribers’ Office. The Clerk manages a “Legislative Hot Line” that operates during the legislative session and answers questions about the status of bills and responds to information requests from callers.

The Clerk manages the Unicameral Information Office, which is responsible for the production of the Unicameral Update, a free weekly publication on the activities of the Legislature, and the *Nebraska Blue Book*, which details the structure of federal, state and local government in Nebraska. The Clerk oversees the Legislative Technology Center, which is responsible for providing network administration and application training for legislators and their staff as well as the management of the official Internet home page of the Nebraska Legislature for the general public.¹³⁰

¹²⁹Id.

¹³⁰<http://www.unicam.state.ne.us>.

The Clerk also has several supervisory roles, including supervision of legislative pages, hired college students who assist senators and the Clerk with various tasks such as updating journals, distributing documents, and answering phone calls in the legislative chamber. The Clerk also provides supervision of the Sergeant at Arms, who assists the Clerk with the security of the Legislature.

Figure 9: Other Duties of the Clerk of the Legislature

<i>Function</i>	<i>Authority</i>
Attest to the signature of the President on writs, warrants, and subpoenas issued by order of the Legislature.	Rule 1, § 13
Attend sessions and call the roll each session day.	Rule 1, § 18(a)
General charge of such parts of the Capitol and its passages as set apart for the use of the Legislature and its officers and employees.	Rule 1, § 18(c)
Transcribe and preserve verbatim records of all debate and questions on all bills and resolutions, and applicable amendments.	Rule 1, § 19(h)
Maintain a copy of the Model Committee Rules to be used in governing the committee's activities.	Rule 3, § 1(d)
Collect pertinent information on gubernatorial appointments and distribute same to the appropriate standing committee prior to the time of the confirmation hearing.	Rule 3, § 4(e)
Receive reports from standing committees concerning the approval or rejection of gubernatorial appointments.	Rule 3, § 4(e)
Receive committee reports on the disposition of measures	Rule 3, § 19(c)
Receive copies of interim study resolutions, interim study prioritizations, and final reports.	Rule 4, § 3
Receive written requests to remove bills from consent calendar.	Rule 5, § 6(c)
Transmit copies of every bill to the Legislative Fiscal Analyst and receive copies of fiscal notes for distribution	Rule 5, § 7
Read the number, title, and name of the principal introducer of each bill as it comes up for consideration on General File.	Rule 6, § 3(a)
Transmit to the Secretary of State all vetoed bills and line-item vetoed bills where no motion to override has been offered, or upon which a motion to override has been unsuccessful.	Rule 6, § 11(b)
Certificate, list, and initial items of a bill, which have been overridden by section, page, and line.	Rule 6, § 13
Perform other duties as imposed by the Legislature or Executive Board.	NEB. REV. STAT. § 50-114

Sources: Nebraska Revised Statutes; Nebraska Rules of the Legislature.

Assistant Clerk of the Legislature

In the absence of the Clerk, the Assistant Clerk is authorized to perform all the duties prescribed for the Clerk of the Legislature, including the signing of those documents that may require the signature of the Clerk of the Legislature.¹³¹

The Assistant Clerk, like the Clerk, is an attorney and offers legal and parliamentary advice to the presiding officer, to legislators, and to legislative staff. The Assistant Clerk drafts legislative rules and assists in ensuring all constitutional requirements for the processing of legislation are met. The Assistant Clerk may assist and offer staff support to special committees created to address issues that pertain to the legislative branch of government. He or she is responsible for assisting in the implementation of Legislative Council policy as promulgated by the Executive Board. In addition, the Assistant Clerk helps to manage and supervise the Clerk's staff with direct supervision for the Unicameral Information Office and Sergeant at Arms.¹³²

Sergeant at Arms

The Sergeant at Arms is required to “attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority of the presiding officer.”¹³³ Generally speaking, the Sergeant at Arms, along with his or her staff, perform two vital functions: (i) to prevent unauthorized individuals from entering the legislative chamber; and (ii) to relay written requests from lobbyists to speak to a given member of the Legislature. The Sergeant of Arms and his or her staff are easily recognizable in the chamber and rotunda due to the red suit jackets worn in the tradition of their positions.

¹³¹NEB. REV. STAT. § 50-115; NEB. RULES OF THE LEG. Rule 1, § 20.

¹³²Nebraska Legislator's Guide, Page F-14.

¹³³NEB. RULES OF THE LEG. Rule 1, § 21.

The Sergeant at Arms is statutorily charged with enforcing the attendance of absent members of the Legislature.¹³⁴ When so directed, the Sergeant at Arms may arrest members or other persons in order to keep and preserve order during legislative sessions. Another official duty of this office is to make sure that a Nebraska state flag is flying on top of the State Capitol building during legislative sessions.

Chaplain Coordinator

The Chaplain Coordinator, a part-time position, opens the daily proceedings with prayer or otherwise organizes or causes to be organized a list of guest clergyman from around the state to offer prayer each day of the legislative session.¹³⁵ In an effort to provide unbiased religious prayers, clergy from a variety of religious faiths and organizations are invited to deliver the morning prayer. In many cases, legislators recommend clergy from their legislative districts for consideration by the Chaplain Coordinator.

¹³⁴NEB. REV. STAT. § 50-116.

¹³⁵Breckenridge, *One House for Two*, 15.

CHAPTER 3 COMMITTEES

Not unlike other state legislatures, the Nebraska Legislature utilizes a variety of committees to handle the business of the body. There are fourteen “standing committees,” four “select committees,” and presently five “special committees.” Each standing committee (e.g., the Appropriations Committee) has a particular subject-matter jurisdiction and all bills and constitutional resolutions relating to that subject matter are assigned to that committee. Select Committees (e.g., the Committee on Committees) are generally those committees that help to facilitate the legislative process with little direct involvement in specific public policy issues. Special committees (e.g., the Executive Board) are more or less administrative in nature and are established by statute with the assignment of specific duties.

Generally, all committees are authorized to hold hearings, to meet as needed, to require the attendance of witnesses and production of evidence as deemed necessary. All committees may investigate any matter within its jurisdiction and may present for consideration any final reports and recommendations for action resulting from such investigations.¹³⁶ Aside these general guidelines, there are some very distinguishable differences among the three categories of committees and among individual committees within these categories as will be explored in the following sections.

It is important to note that before 1973, all committee chairpersons were nominated by the Committee on Committees and approved by the Legislature.¹³⁷ This resulted, however, in an unusually high number of committee chairpersons being selected from the membership of the Committee on Committees itself. At one time, to aspire to become a chairperson of a standing committee, for instance, meant first becoming a member of the Committee on Committees. In

¹³⁶NEB. RULES OF THE LEG. Rule 3, § 1(a).

¹³⁷Bothum, Comer, and Sittig, “Committee Assignments in the Nebraska Legislature,” 70.

1973, the Rules of the Legislature were amended to require at large elections of all leadership positions. This permitted a fair election process where all members could participate in the selection of committee leaders.

Chairpersons. Like other legislative bodies, the position of committee chairperson is seen as a very important role since the views of these individuals could shape the future of state policy. All at large elections for committee chairpersons are conducted by secret ballot. Before the ballot is taken, each person nominated may make a public statement to the body indicating what may be expected from him or her if elected. In most cases, however, candidates for such positions usually highlight their length of service in the Legislature, to indicate their knowledge of the legislative process, and perhaps their occupational experience in a certain area, which indicates their expertise in the subject matter of the committee.¹³⁸ It is not unusual for members of the Legislature to campaign or at least make known their intent to run. It is considered appropriate, but certainly not required, for a senator wishing to run for a particular chairmanship to place a letter on file with the Clerk of the Legislature indicating his or her intentions.

The exact duties of the chairperson vary from committee to committee. However, there are some general responsibilities that apply to most legislative committees:¹³⁹

1. To call the committee together at the regular or appointed time and place.
2. To arrange for the publication of meeting notices.
3. To preside over meetings of the committee.
4. To maintain order and decide all questions of order.
5. To supervise and direct all clerical and other employees of the committee.
6. To prepare or supervise, in consultation with the committee, the schedule of public hearings to be held by the committee.
7. To prepare or supervise the preparation of a written agenda for all committee meetings.

¹³⁸Id., 72.

¹³⁹Model Committee Rules (see Appendix C).

8. To prepare or supervise the preparation of interim study proposals necessary to properly carry out the committee's business, in consultation with the committee.
9. To conduct or supervise the conduct of all studies assigned by the legislature, and all studies necessary to properly carry out the committee's business, and to insure proper documentation of all studies conducted.
10. To prepare or supervise the preparation of written reports on all interim studies assigned the committee by the legislature, and on all committee studies in which testimony or information was secured by subpoena.
11. To prepare or supervise the preparation of committee reports and committee statements and submit them to the legislature.
12. To have custody and insure the security of all bills, resolutions, papers and other documents referred or submitted to the committee, to keep all committee materials separate and distinct from personal materials, to make all committee materials available to committee members at reasonable times, and to transmit committee materials to the appropriate repository when the committee is finished with them.
13. To insure that all activities of the committee are carried out in accordance with the rules of the legislature and the rules of the committee.

Vice Chairperson. The principal duty of the vice chairperson is to preside over meetings in the absence of the chairperson. If both the vice chairperson and the chairperson are absent, the meeting is often chaired by the most senior legislative member of the committee.¹⁴⁰

Committee Members. In general, committee members may participate freely in committee discussions and debate, make and second motions and assert points of order and privilege, subject to the rules of parliamentary procedure. In committee hearings, a committee member may question witnesses only with permission of the chairperson and only to the extent the chairperson allows, but the chairperson must afford each member of the committee a reasonable opportunity to question each witness.¹⁴¹

It is the duty of committee members to attend and participate in all committee meetings. A member who cannot be present at a meeting must notify the chairperson or committee clerk in advance, and indicate where he or she can be located should his or her presence be needed. A

¹⁴⁰Id.

¹⁴¹Id.

member must also disclose in the committee records his or her interest in all committee proceedings relating to any question which directly and immediately affects his or her personal or private right or interest, if it conflicts with the public interest.¹⁴²

Standing Committees

The committees most often in the news are those that handle the weighty issues of public policy. As noted above, each standing committee's subject-matter jurisdiction extends to all matters reasonably comprehended in the name of the committee. The jurisdiction extends to any bill, constitutional resolution, or other issue referred to it by the Reference Committee. The committee's authority includes review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject-matter jurisdiction.

As shown in Figure 10, the composition of the standing committees range from six to nine members including the chairperson with most comprised of eight members.

Figure 10: Standing Committees of the Nebraska Legislature

<i>Committee</i>	<i>No. Members</i>
Agriculture	8
Appropriations	9
Banking, Commerce and Insurance	8
Business and Labor	7
Education	8
General Affairs	8
Government, Military and Veterans Affairs	8
Health and Human Services	7
Judiciary	8
Natural Resources	8
Nebraska Retirement Systems	6
Revenue	8
Transportation and Telecommunications	8
Urban Affairs	7

Source: NEB. RULES OF THE LEG. Rule 3, § 3(a).

¹⁴²Id.

Agriculture Committee. The Agriculture Committee is comprised of eight members. Legislative measures referred to the committee include crop development, exports, livestock, brands, auction markets, public grain warehouses, grain storage, farming and ranching, fertilizer, agricultural chemicals, weights and measures, eating facilities, etc.¹⁴³

Appropriations Committee. The Appropriations Committee is the only standing committee comprised of nine members.¹⁴⁴ It is also the only standing committee that meets every day of the week during the public hearing phase of the legislative process. Therefore, with the exception of the Chairperson, members of the Appropriations Committee are not allowed to serve on any other standing committee, except the Nebraska Retirement Systems Committee.

The main purpose of the Appropriations Committee is to advance a biennial state budget to the floor of the Legislature. In odd-numbered years, the Committee first receives the proposed budget recommendations of the Governor and then performs any modifications it deems necessary before forwarding the proposal for floor debate. The Committee also reviews all appropriation bills for capitol construction, salaries of state employees, and deficiency appropriations, among others. The Committee has the authority to suggest, through a legislative proposal, changes in distribution of certain taxes (i.e., the Cigarette Tax).¹⁴⁵

The Appropriations Committee annually prepares and approves a report summarizing the recommended total General Fund appropriation for each year of the following biennium. The report includes information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.¹⁴⁶

¹⁴³Legislative Research Division, "Breakdown of Assignment to Committees," LRD 89-25 (September 1989), 29.

¹⁴⁴NEB. RULES OF THE LEG. Rule 3, § 3(a).

¹⁴⁵Legislative Research Division, "Breakdown of Assignment to Committees," LRD 89-25 (September 1989), 29.

¹⁴⁶NEB. RULES OF THE LEG. Rule 8, § 2.

The Chairperson of the Appropriations Committee annually submits a Financial Status Report following the advancement of the mainline budget bill to General File. The report includes the current estimates of available funds, express obligations for the biennial period under consideration, and other information useful to the budgetary process.¹⁴⁷ Other specific duties of the Chairperson are listed in Figure 11.

No other standing committee is cited in state law as many times as the Appropriations Committee, and there are numerous duties prescribed for the Committee in statute in relation to various programs and state agencies. For instance, state law requires the Committee to annually include in the state budget the amount necessary to fund the state aid formula under the Tax Equity and Educational Opportunities Support Act (TEEOSA).¹⁴⁸ Other duties and responsibilities of the Committee, particularly in relation to the budget process, are discussed in later sections.

Banking, Commerce and Insurance. The Banking, Commerce and Insurance Committee is comprised of eight members. The subject-matter jurisdiction of the committee includes all aspects of banking and financial institutions, the Nebraska Investment Council, all aspects relating to insurance and commerce, the Uniform Commercial Code, real estate, securities law, economic development, accountancy, etc.¹⁴⁹

Business and Labor Committee. The Business and Labor Committee is one of three standing committees comprised of seven members. The committee accepts jurisdiction over such issues as workers' compensation, unemployment compensation, labor and employment relations, the Commission of Industrial Relations, fair employment practices, health and safety

¹⁴⁷Id., Rule 8, § 7.

¹⁴⁸NEB. REV. STAT. § 79-1031.01.

¹⁴⁹Legislative Research Division, "Breakdown of Assignment to Committees," LRD 89-25 (September 1989), 30.

Figure 11: Other Duties of the Chairperson of the Appropriations Committee

<i>Function</i>	<i>Authority</i>
Serve as a nonvoting ex officio member of the Executive Board	Rule 1, § 1(a)
Serve as a voting member of the Nebraska Retirement Systems Committee (a standing committee)	NEB. REV. STAT. § 50-416.01
Serve as a voting member of the Tax Rate Review Committee along with the Speaker, and the Chairpersons of the Revenue Committee and Executive Board. ¹⁵⁰	NEB. REV. STAT. § 77-2715.01(2)
Serve on the Legislative Program Evaluation Committee (a special committee) along with the Chairperson of the Executive Board and three other members chosen by the Executive Board. ¹⁵¹	NEB. REV. STAT. § 50-1204(1)
Supervise the Office of the Legislative Fiscal Analyst during legislative sessions. ¹⁵²	NEB. REV. STAT. § 50-419(1)

Sources: Nebraska Revised Statutes, Nebraska Rules of the Legislature.

regulations, labor conditions, claims against the State, wages and hours, the Nebraska Elevator Code, etc.¹⁵³

Education Committee. The Education Committee is one of several standing committees that receive the most referred bills and resolutions each year. The committee reviews legislative proposals concerning school districts, school reorganization, compulsory education, special education, certification, post-secondary education, state colleges and universities, vocational technical schools, public school funding, the State Board of Education and the Department of Education, NETV, ESUs, etc.¹⁵⁴

¹⁵⁰The Tax Rate Review Committee consults with the Tax Commissioner and meets twice each year, in July and November, to determine whether the state sales and income tax rates should be changed. If a change is deemed necessary, appropriate legislation is drafted and forwarded to the Revenue Committee for further deliberation during the next legislative session. NEB. REV. STAT. § 77-2715.01(2).

¹⁵¹The Legislative Program Evaluation Committee was created in 1992 under the Legislative Program Evaluation Act. The purpose of the Act is to provide systematic review of various state agency operations or specific programs under a given agency to determine efficiency of operation, unanticipated program effects or problems, possible duplication or overlap of services, status review, etc. *Id.*, § 50-1201 et seq.

¹⁵²The Office of the Legislative Fiscal Analyst is supervised by the Executive Board during interim periods. *Id.*, § 50-419(1).

¹⁵³Legislative Research Division, “Breakdown of Assignment to Committees,” 30.

¹⁵⁴*Id.*, 31.

General Affairs Committee. This eight member committee reviews legislative measures concerning the State Electrical Act, liquor and liquor control, gambling and lottery, cemeteries, libraries, trade names and practices, etc.¹⁵⁵

Government, Military and Veterans Affairs. The Government, Military and Veterans Affairs Committee is comprised of eight members. The committee oversees legislative proposals that concern political subdivisions, election law, departments of state government, the Nebraska Political Accountability and Disclosure Act, lobbying, correctional institutions, law enforcement, public meetings and records laws, standards for public buildings, military and veterans affairs, civil defense, apportionment and redistricting, etc.¹⁵⁶

Health and Human Services. Although often receiving a very heavy workload and number of legislative measures to consider, the Health and Human Services Committee is comprised of only seven members. The committee is usually very busy reviewing legislative proposals concerning public health, hospitals, nursing homes, mental health and retardation, professional and occupational licensing, emergency medical care, the Department of Health, the State Board of Health, housing and building standards, welfare and public assistance, the Department of Social Services, etc.¹⁵⁷

Judiciary Committee. The Judiciary Committee consists of eight members and has the distinction of usually having the most legislative proposals referred to it each year. The committee is responsible for so many measures that the committee chair often limits the total allowable time for each public hearing. The committee's subject-matter jurisdiction includes the courts, judges, juvenile code, criminal code, crimes and punishments, criminal procedure, civil procedure, etc.¹⁵⁸

¹⁵⁵Id.

¹⁵⁶Id.

¹⁵⁷Id., 32.

¹⁵⁸Id.

Figure 12: Regular Meeting Days for Standing Committees*

Room	Monday	Tuesday	Wednesday	Thursday	Friday
1003	—	—	Appropriations	Appropriations	Appropriations
1520	Appropriations	Appropriations	Revenue	Revenue	Revenue
1113	Transportation and Telecommunications	Transportation and Telecommunications	Judiciary	Judiciary	Judiciary
1507	Banking, Commerce, and Insurance	Banking, Commerce, and Insurance	Government, Military, and Veterans Affairs	Government, Military, and Veterans Affairs	Government, Military, and Veterans Affairs
1510	General Affairs	Urban Affairs	Health and Human Services	Health and Human Services	Health and Human Services
1525	Education	Education	Natural Resources	Natural Resources	Natural Resources
2102	Business/Labor	Agriculture	—	—	—

* All committees meet at 1:30 p.m. (CST) on the appointed day(s) list above unless otherwise designated by the chairperson. The Nebraska Retirement Systems Committee has no set day or time for hearings. The committee meets as needed.

Source: Nebraska Legislator's Guide

Natural Resources Committee. The eight-member Natural Resources Committee reviews issues and legislation concerning water and water rights, irrigation, flood control, the Department of Water Resources, soil conservation, public power, oil and gas, environmental issues, hazardous waste, air pollution, parks, endangered species, boating, etc.¹⁵⁹

Nebraska Retirement Systems Committee. The smallest standing committee in terms of membership is the Nebraska Retirement Systems Committee, which is comprised of six members. There are so few legislative measures assigned to this committee that the committee has no regular schedule during each session. The committee meets as needed to hold public hearings and to hold executive sessions. The committee reviews all legislation relevant to the public employees' retirement systems (State Employees, School Employees, Judges, State Patrol, and Counties). The Chairperson of the Appropriations Committee is automatically a voting member of the Nebraska Retirement Systems Committee.¹⁶⁰

¹⁵⁹Id., 33.

¹⁶⁰NEB. REV. STAT. § 50-416.01.

Revenue Committee. The eight-member Revenue Committee at times receives almost as many legislative proposals as the Judiciary Committee each year. The Revenue and Appropriations Committees often work together to coordinate the income and expenses of the state and political subdivisions. The Revenue Committee oversees such issues as sales and use taxes, state income taxes, property taxes, homestead exemptions, motor fuels tax, the Department of Revenue, etc.¹⁶¹ The Chairperson of the Revenue Committee serves as a voting member of the Tax Rate Review Committee along with the Speaker, and the Chairpersons of the Appropriations Committee and Executive Board.¹⁶²

Transportation and Telecommunications Committee. The Transportation and Telecommunications Committee is comprised of eight members and has subject matter jurisdiction over such matters as motor vehicles, driver licensing, rules of the road, weights and measures, the Department of Roads, railroads, common carriers, pipelines, telephones and telecommunications, etc.¹⁶³

Urban Affairs Committee. The Urban Affairs Committee, comprised of seven members, reviews such issues relating to municipalities, special districts, zoning and annexation, housing authorities, etc.¹⁶⁴

Special Committees

The Nebraska Legislature utilizes five special committees, the most well known of these is the Executive Board. With the exception of the Executive Board, special committees do not usually have jurisdiction over legislative bills and resolutions but are still subject to the same

¹⁶¹Legislative Research Division, "Breakdown of Assignment to Committees," 34.

¹⁶²NEB. REV. STAT. § 77-2715.01(2).

¹⁶³Legislative Research Division, "Breakdown of Assignment to Committees," 34.

¹⁶⁴Id., 35.

procedural rules as other committees.¹⁶⁵ Special committees are normally created by statute rather than legislative rule. However, for the 2001 Session, the Legislature created a special committee by rule for the purpose of redistricting.

Redistricting Committee. The 2001 Redistricting Committee exercised jurisdiction over all bills relating to redistricting, hold hearings, and generally oversee the redistricting process. The committee was comprised of nine members of the Legislature, appointed by the Executive Board, with three members from each congressional district. Interestingly, it was specified that no more than five members of the committee could be affiliated with the same political party. The Chairperson of the Committee was appointed by the Executive Board and the Vice Chairperson was elected by the members of the Committee (the Chair and Vice Chair could not be a member of the same political party).¹⁶⁶

Redistricting is a process undertaken by the Nebraska Legislature every 10 years when the new census becomes available. The Legislature draws new district boundaries for itself, the U.S. House of Representatives, the Public Service Commission, the State Board of Education, the University of Nebraska Board of Regents, and the Nebraska Supreme Court. Each district must be composed of substantially the same number of people.

Historically, the process of redistricting is perhaps one of the more contested activities undertaken by the Legislature. From 1937 to 1963, the Legislature was comprised of 43 legislative districts, and during this timeframe there had been a general “unwillingness to redistrict the state and reapportion the seats in the legislature.”¹⁶⁷ There had been shifts in populations during this time but only nominal increases in population.¹⁶⁸ Nevertheless, three

¹⁶⁵NEB. RULES OF THE LEG. Rule 3, § 5(a).

¹⁶⁶Id., Rule 3, § 6.

¹⁶⁷Breckenridge, *One House for Two*, 54.

¹⁶⁸Id.

separate legislative plans for redistricting were forwarded and ultimately rejected by the federal courts because they all “deviated too widely from an equal distribution of population.”¹⁶⁹ A fourth attempt in 1961 resulted in an increase of legislative districts to 49, which became effective in 1965. One of the more complicating factors in redistricting has been and continues to be the constitutional requirement that legislative districts, whenever practicable, follow the borders of counties.¹⁷⁰ However, this guideline has been difficult to follow and, under today’s apportionment, the borders of legislative districts divide both counties and municipalities in an attempt to achieve somewhat equal representation of population.

The Redistricting Committee created in 2001 has finished its work based on the 2000 U.S. Census, but the committee will remain in existence until any future legal challenges are settled. In the event of a successful legal challenge to any part of the redistricting plan, the committee will be reconstituted for the purpose of reformulating the plan.¹⁷¹

Building Maintenance Committee. It is the responsibility of the Executive Board of the Legislature to appoint the six member special committee on Building Maintenance.¹⁷² The purpose of the committee is to exercise oversight of the deferred and preventive maintenance activities for state operated buildings, including the Capitol. The selection of members is made on the basis of maintenance interest and knowledge. At least two members must be selected from the Committee on Appropriations, one of whom must be the chairperson.

Education Commission of the States. The special committee on the Education Commission of the States is comprised of three appointed members of the Legislature who are

¹⁶⁹Rodgers, Sittig, and Welch, “The Legislature,” 63.

¹⁷⁰Id.

¹⁷¹NEB. RULES OF THE LEG. Rule 3, § 6.

¹⁷²NEB. REV. STAT. § 81-185.

selected by the Executive Board.¹⁷³ In addition, the Governor may appoint three other representatives who are not members of the Legislature. The Education Commission of the States (ECS) is a nonprofit organization designed to bring state leaders together to discuss education issues. ECS also provides state legislatures with a variety of research materials to help direct education policy decisions.

Figure 13: Special Committees of the Legislature

<i>Committee</i>	<i>Members</i>
Building Maintenance	6
Education Commission of the States	3
Executive Board	9
Intergovernmental Cooperation	5
Legislative Program Evaluation	5
2001 Redistricting Committee	9

Source: NEB. RULES OF THE LEG. Rule 3, § 5(b).

Legislative Committee on Intergovernmental Cooperation. The Special Committee on Intergovernmental Cooperation consists of five senators. The members and the chairman of this committee are elected in the same manner as is customary in the case of the members and chairman of other standing committees of the Legislature. In addition to the regular members, the President (Lt. Governor) and the Speaker of the Legislature serve as ex officio (non-voting) members of this committee.¹⁷⁴

The Legislative Committee on Intergovernmental Cooperation represents half of the Nebraska Commission on Intergovernmental Cooperation, which is composed of ten regular members (five from the Legislature's committee and five individuals appointed by the Governor).

¹⁷³Id., § 79-1504.

¹⁷⁴Id., §§ 81-816 to 81-824.

The Committee functions during the regular sessions of the Legislature and also during the interim periods between sessions. The purposes of the Committee are to: (1) carry forward the participation of the state as a member of the Council of State Governments; (2) encourage and assist the legislative, executive, administrative and judicial officials and employees of the state to develop and maintain contact with officials and employees of the other states, the federal government, and local units of government; (3) endeavor to advance cooperation between the state and other units of government whenever it seems advisable to do so by formulating proposals for facilitating (i) the adoption of compacts, (ii) the enactment of uniform or reciprocal statutes, (iii) the adoption of uniform or reciprocal administrative rules and regulations, (iv) the informal cooperation of governmental offices with one another, and (v) the interchange and clearance of research and information.¹⁷⁵

Legislative Program Evaluation Committee. This five-member Committee is comprised of the Chairperson of the Executive Board, the Chairperson of the Appropriations Committee, and three other members of the Legislature chosen by the Executive Board.¹⁷⁶ The Committee is designed to meet as needed for the purpose of selecting programs to be evaluated, approving scope statements and evaluation plans for program evaluation projects, reviewing completed program evaluation reports, and conducting public hearings.

Executive Board. The Executive Board consists of a Chairperson, a Vice chairperson, and six members of the Legislature, to be chosen by the Legislature at the commencement of each 90-day session of the Legislature. In addition, the Speaker serves as a voting member of the Executive Board. The Chairperson of the Appropriations Committee also serves on the Executive Board but in an ex officio (non-voting) capacity whenever the board is considering fiscal administration. (See pages 30-34 for more information on the Executive Board.)

¹⁷⁵Id.

¹⁷⁶Id., § 50-1204.

Select Committees

The select committees of the Legislature are administrative committees designed to help facilitate the legislative process. These committees are not created by statute but instead by the Rules of the Legislature.¹⁷⁷

Committee on Committees. As noted earlier in this document, the members of the Committee on Committees carry a particularly crucial role in the legislative process: selection of members on other committees. The Committee on Committees is expected to provide fair geographic representation on each committee under its auspices, including all standing committees. (See pages 27-30 for more information on the Committee on Committees.)

Enrollment and Review Committee. The Enrollment and Review (E&R) Committee is unique in that it is a committee of one member, the chairperson. The E&R Chairperson is also unique by virtue of selection since the youngest member of the Legislature, at the time of the election, is considered “nominated” for the position. In the absence of the E&R Chairperson, the Vice Chairperson of the Judiciary Committee assumes the duties of the E&R Chairperson.¹⁷⁸

This position is perhaps one of the few chairs that is not highly sought by members of the Legislature since it requires an ongoing diligence and awareness of the legislative process. The E&R Chair is responsible for procedurally “moving” for the adoption of E&R amendments to every bill or resolution at every stage of the legislative process. E&R amendments are technical amendments proposed by the Revisor of Statutes (bill drafters) in order to ensure accuracy in punctuation, citations, grammar, spelling, etc. It is not an uncommon sight during a session to witness the presiding officer and the E&R Chair in a continuous, almost mundane, back-and-forth effort to request and receive motions to adopt E&R amendments to facilitate the legislative process.

¹⁷⁷NEB. RULES OF THE LEG. Rule 3, § 4(a).

¹⁷⁸Id., Rule 3, § 4(d).

Figure 14: Select Committees of the Legislature

<i>Committee</i>	<i>Members</i>
Committee on Committees	13
Enrollment and Review	1
Reference	9
Rules	6

Source: NEB. RULES OF THE LEG. Rule 3, § 4(a).

Reference Committee. The Executive Board serves as the Reference Committee. The Reference Committee reviews each bill and resolution and then either refers the matter to the appropriate committee (in the case of bills and resolutions to amend the Constitution) or to General File (in the case of all other resolutions and “revisor” bills). The process involves the matching of each measure with the committee which has subject-matter jurisdiction over the issue contained in the bill/resolution or which has traditionally handled the issue in the past.¹⁷⁹

Rules Committee. Some of the most heated debates during a legislative session can at times occur before even the first real legislative bill is debated. Since rules drive the legislative process, rules are of a particular interest to legislators. The Rules Committee is comprised of six members. The Chairperson is elected at large by the Legislature, the Speaker serves as an ex officio member, and four other members are selected by the Committee on Committees.

Any member of the Legislature may submit a proposed rule modification. All proposed rule changes are set for public hearing within five legislative days after their referral to the Rules Committee. The hearing takes place within fifteen legislative days after the referral, and the committee must take final action on the proposal within ten legislative days after the hearing.¹⁸⁰ If the Rules Committee, by majority vote, approves any submitted recommendations, then the same are forwarded to the legislative body for consideration.

¹⁷⁹Id., Rule 3, § 4(e).

¹⁸⁰Id., Rule 3, § 4(f).

Investigating Committees. The Committee on Committees may appoint other select committees in the form of investigating committees when authorized by the Legislature. No investigating committee of the Legislature may be created except by resolution which sets forth the reasons for and the purposes of the investigation. No established investigating committee may function except during the interim between legislative sessions.¹⁸¹

¹⁸¹Id., Rule 3, § 4(g).

PART II
PROCESS AND PROCEDURE

CHAPTER 4
BILL INTRODUCTION

Bill introduction marks the beginning of each legislative session. In a flurry of activity, legislators and bill drafters interact to compose legislative measures prior to the deadline for such activity. All legislation must be drafted and introduced within the first ten session days of each regular session. This section describes the bill introduction process including conceptualization, drafting, content of measures, sponsorship, numbering, reading of title, committee referral, bill withdrawal, statement of intent, and finally, the estimation of cost or fiscal impact.

Conceptualization

The merit of an idea behind a legislative measure is truly subjective. What looks like a great idea to one person may sound ridiculous to another. The Nebraska Legislative process, like any other American legislative body, represents democracy at both its best and worst. With the exception of a few constitutional limitations, just about any idea can be fashioned into legislation.¹⁸² However, it is usually those measures containing a rational policy solution to an existing problem that have a reasonable chance for advancement.

One of the key factors to a well-drafted bill is supporting research. In many cases, a senator and his or her staff will research a problem and study potential legislative remedies. A senator may introduce a bill to create a new law, or to repeal or change an existing law. The Legislature utilizes its own Legislative Research Division to help with research projects (see page 33). Much of the research is done during the interim. During this time, legislative committees study a variety of issues that have been outlined in interim study resolutions passed by the Legislature.

¹⁸²The Nebraska Constitution provides that the Legislature may not pass “local or special laws” in such areas as: for granting divorces; changing the names of persons or places; locating or changing county seats; providing for changes of venue in civil and criminal cases; changing the law of descent; etc. NEB. CONST. art III, § 18.

Another important factor for a lawmaker is the process of gaining support for the legislative idea even before it is drafted. Legislators “court” other legislators to build informal coalitions of support for an idea. They also occasionally seek the backing from interested groups and individuals who might help the legislator gain a wider base of support for the measure.

Of course, not all ideas for legislation come from legislators themselves. Ideas are brought to a lawmaker’s attention by constituents, other senators, interest groups, and governmental agencies and political subdivisions. Similarly, legislative proposals are not necessarily limited to a single lawmaker. In many cases, ideas are brought to a whole standing committee or a group of senators for consideration.

While the process of conceptualizing legislation has remained fairly constant, the amount of time available to a lawmaker for bill introduction has not. During Nebraska’s bicameral years, lawmakers had the first twenty session days to file their proposed legislative measures.¹⁸³ After the change to a one-house legislature, the duration of time for bill introduction actually increased to thirty days for a period of time before a switch back to twenty days. However, the change from biennial sessions to annual sessions in 1970 also brought about limited timeframes for the legislative process itself.¹⁸⁴ Consequently, in 1973, the Legislature changed the rules to permit bill introduction in only the first ten session days of each legislative session. The exceptions to the ten-day rule apply to appropriation (“A”) bills and bills introduced at the request of the Governor. In addition, a committee may request the introduction of a bill after the ten-day rule and by a three-fifths vote of the Legislature such a request will be honored.¹⁸⁵

¹⁸³Johnson, *The Unicameral Legislature*, 141.

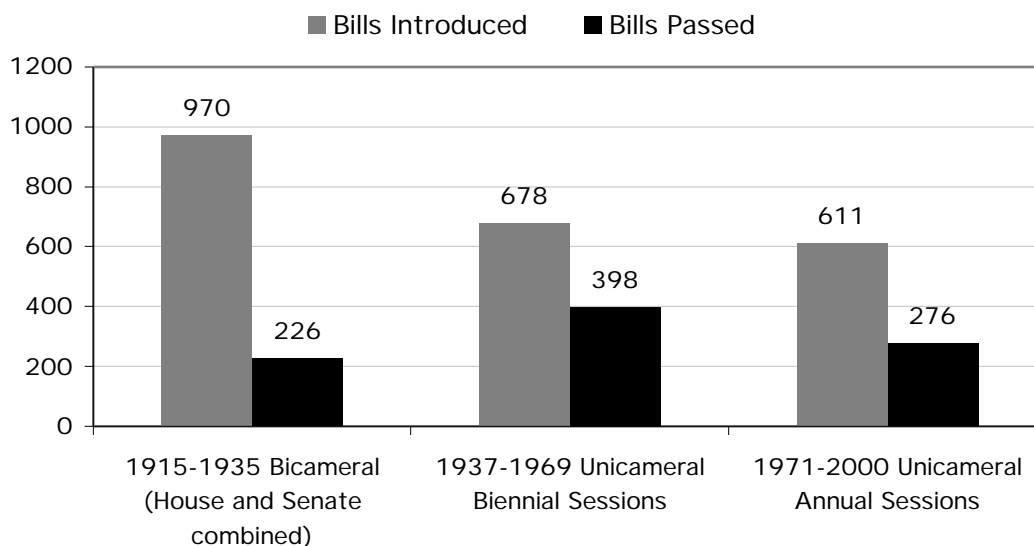
¹⁸⁴In 1970 voters approved a constitutional amendment (Amendment No. 15) to provide annual sessions. The session would last 90 days in odd-numbered years and 60 days in even-numbered years beginning in 1971. Nebraska Blue Book, 265.

¹⁸⁵NEB. RULES OF THE LEG. Rule 5, § 4(c).

Limitation of Bills

The sheer number of bills introduced in a session has been an ongoing problem, and the Nebraska Legislature has addressed the issue on a number of occasions.¹⁸⁶ As shown in Graph 15, the average number of bills introduced each session has decreased since switching to a unicameral legislature. Similarly, the average number of bill introduced since switching from biennial to annual sessions in 1970 has decreased slightly. Nevertheless, in the ten-year period from 1991 to 2000, the number of bills introduced each two-year legislative cycle (i.e., 1st and 2nd sessions) has steadily increased from 1,294 in 1991-1992 to 1,449 in 1999-2000.¹⁸⁷

*Graph 15: Average Number of Bills Introduced and Passed each Session from 1915-2000*¹⁸⁸



The Nebraska Legislature addressed the issue of bill introduction in 1972 by placing a ten-measure limit on each senator for each session.¹⁸⁹ This experiment was relatively short-lived and by 1983 the Legislature had once again changed the rules to provide unlimited bill

¹⁸⁶Rodgers, Sittig, and Welch, “The Legislature,” 70.

¹⁸⁷Nebraska Blue Book, 407-408.

¹⁸⁸Id.

¹⁸⁹NEB. RULES OF THE LEG. Rule 5, § 4(c).

introduction. However, standing committees are limited to eight introduced bills per session.¹⁹⁰ The Rules of the Legislature also provide that members may introduce only those bills for which they are willing to “endorse and support personally.”¹⁹¹

Drafting of Bills

Bill drafting is a function of the Office of the Revisor of Statutes, which is supervised by the Executive Board. Bill drafting is an ongoing process. In fact, a request by a senator to have a bill drafted could occur at just about any time of the year, whether or not the Legislature is in session, so long as the requisite staff is available. In many cases, a legislator will ask to have a measure drafted in order to circulate the legislative proposal to potential supporters. However, without question, the busiest time for bill drafters is during the first few weeks of each session when legislators are anxious to have their bills drafted and filed.

The Rules of the Legislature require that no bills or major amendments may be introduced or considered unless they have been approved as to form and draftsmanship by a bill drafter.¹⁹² The following outlines the bill drafting process and demonstrates the necessary steps incumbent upon both the bill requester and the bill drafter:

1. A request arrives in the office and is assigned a number;
2. The request is assigned to a bill drafter (usually a bill drafter who has had some experience with the particular subject of the legislation);
3. The bill drafter reads through the request, checks to see if any statutes should be amended, checks relevant constitutional and other provisions as time permits, and may request additional information;
4. The bill drafter actually drafts the bill by having needed statutes copied, marking changes on the copies, writing new material if necessary, adding special clauses (e.g., the emergency clause), numbering sections, and drafting the title;
5. The copy of the request is proofread by two statute technicians and compared to the bill drafter’s work product;

¹⁹⁰Id., Rule 5, § 4(d).

¹⁹¹Id., Rule 5, § 4(a).

¹⁹²Id., Rule 5, § 1.

6. The request is read by a second bill drafter for content, technical form, and possible conflicts (e.g., with other statutes and constitutional questions) and then discussed with the first bill drafter (if necessary, corrections are made and a new copy printed);
7. The bill drafter sends a draft of the request to the requester and alerts the requester to any problems discovered during the drafting process (the requester is expected to read the rough draft in order to ensure that the draft accomplishes what was requested before the final version, commonly called a six-part, is prepared);
8. If necessary, the rough draft is revised, changes are made on the computer, and a new rough draft is given to the requester (this step is repeated as often as necessary until the requester is satisfied with the request);
9. The requester approves preparation of a six-part or decides not to proceed further.
10. The six-part is delivered to the requester and the process is complete.¹⁹³

Types of Legislative Measures

As shown in Figure 16, there are essentially five types of measures divided into two categories: legislative bills and legislative resolutions. The Nebraska Constitution provides that, “No bill shall contain more than one subject, and the subject shall be clearly expressed in the title.”¹⁹⁴ A measure relating to public education, for example, may not also contain a provision relating to highway construction. There are also varying characteristics and rules applied to certain legislation as outlined below.

Appropriation Bills

Whenever a bill proposes a new program, or changes in an existing program, which would require funding to implement in the ensuing fiscal year, an appropriation (“A”) bill is prepared based upon the information in the “fiscal note.” If the bill does not require funding, an “A” bill is not required. Appropriation bills carry the same bill number as the corresponding bill with the addition of an “A” at the end of the number (e.g., LB 505A). The “A” bill accompanies

¹⁹³Nebraska Legislator’s Guide, “Office of the Revisor of Statutes,” F-11.

¹⁹⁴NEB. CONST. art III, § 14; NEB. RULES OF THE LEG. Rule 5, § 2(b).

the main bill through all stages of the legislative process, but each “A” bill must be voted upon at each stage as a separate and debatable proposition.¹⁹⁵

Figure 16: Categories and Types of Legislative Measures

<i>Category</i>	<i>Label</i>	<i>Type and Purpose</i>	<i>Limitations</i>
Legislative Bill	LB	Propose the creation of a new law or amend an existing statute (e.g., LB 1059 relating to school finance)	No limit for senators; limit of eight for committees per session
		Appropriation “A” bill joined to a legislative bill to cover the cost of the measure (e.g., LB 1059A relating to the cost of implementing LB 1059)	No limit for senators; limit of eight for committee per session
Legislative Resolution	LR	An expression of the Legislature (e.g., to congratulate a high school football team)	Limit of eight per senator per session
		An interim study resolution to be assigned to a committee for consideration and review	No limits; must be filed by a set deadline
	LR CA	Constitutional Amendments approved by the Legislature for subsequent approval by the voters	No limits

Source: Nebraska Rules of the Legislature

Appropriation bills are prepared at the direction of the Chairperson of the Appropriations Committee and placed on General File after the corresponding “original” bill is placed on General File. An “A” bill must contain the following elements: (1) the phrase “there is hereby appropriated” inserted in the text of the measure; (2) a specific fund type must be identified and the fund must be appropriated; (3) the amount to be appropriated from such fund must be identified; (4) a specific budget program or a specific statement reflecting the purpose for expending such funds must be identified; and (5) the time period for which funds will be expended must be identified.¹⁹⁶

Governor’s Budget Bill

At the beginning of each biennium (in odd-numbered years), the Governor is constitutionally required to prepare and produce a proposal for the state budget for the ensuing

¹⁹⁵NEB. RULES OF THE LEG. Rule 5, § 7(f).

¹⁹⁶NEB. REV. STAT. § 49-804; NEB. RULES OF THE LEG. Rule 5, § 2(d).

biennium period.¹⁹⁷ The actual budget proposal is divided into several budget bills that, by rule, are introduced by the Speaker of the Legislature at the request of the Governor.¹⁹⁸

The budget bills are automatically referred to the Appropriations Committee for review and public hearings. It is not uncommon for the Chairperson of the Appropriations Committee to periodically update the Legislature, under a point of personal privilege or by written correspondence, on the progress of his or her committee in order to give members an idea of the funds available for other measures or to remind members of looming issues. The budget bills are considered the ultimate priority of the Legislature, even more important than any designated priority measure.¹⁹⁹

Public Employees' Retirement Bills

Any bill proposing a structural change impacting the benefits or funding status provided under a public retirement plan must be introduced during odd-numbered years. In addition, no retirement legislation can be introduced without an accompanying actuarial report, which outlines the expected cost of the proposal.²⁰⁰ Actuarial studies are often funded by interest groups and professional associations that lobby on behalf of public employees. However, the Nebraska Retirement Systems Committee may seek state funds to pay for the actuarial analysis in certain circumstances.

Constitutional Amendments

A legislative resolution to propose an amendment to the State Constitution must be drafted in a specialized format, and the resolution must contain the election date for voters to consider the measure. The Rules of the Legislature require that constitutional amendments are to

¹⁹⁷NEB. CONST. art IV, § 7.

¹⁹⁸NEB. RULES OF THE LEG. Rule 5, § 8.

¹⁹⁹Id., Rule 5, § 5(i).

²⁰⁰Id., Rule 5, § 15.

be treated as any other bill during the legislative process, with a simple majority vote required for advancement.²⁰¹ However, on Final Reading, the last stage of the process, a constitutional amendment requires a three-fifths vote to be placed on the ballot and a four-fifths vote to appear on a special election ballot.²⁰²

Revisor Bills

The Office of the Revisor of Statutes is required to establish a system to provide a continuing compilation of sections of statutes that the Revisor believes to be obsolete or no longer needed. Preceding each legislative session, the Revisor provides the chairperson of the Executive Board with a list of such sections. The Executive Board may then request that legislation be drafted to amend or repeal the obsolete sections. Such bills are called “revisor bills,” which are the first legislative bills to be introduced and filed each session.²⁰³

Sponsors and Cosponsors

A member may only introduce the number of bills and resolutions as they are willing to endorse and support personally. This means that a legislator is free to introduce as many bills and resolutions as they wish so long as they intend to fully support each measure. Any member may request to have his or her name added as a cointroducer of a bill or resolution but only if the principal introducer has concurred, in writing, to that request.²⁰⁴

A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator. However, the bill must receive the endorsement of a

²⁰¹Id., Rule 4, § 2.

²⁰²NEB. CONST. art. XVI, § 1.

²⁰³NEB. REV. STAT. § 49-771; NEB. RULES OF THE LEG. Rule 5, § 3.

²⁰⁴Id., Rule 5, § 4(a).

majority of the committee members whose names must be on the bill. Each standing committee is limited to eight bills each session.²⁰⁵

Numbering

The introduction of bills and resolutions runs in a two-year cycle. The cycle begins in odd-numbered years (90-day sessions) at which time the first legislative bill is numbered “LB 1” and the first introduced legislative resolution is numbered “LR 1.” Bills and resolutions introduced in even-numbered years (60-day sessions) numerically begin with the number following the number of the last bill or resolution introduced in the preceding regular session. However, bills and resolutions introduced in any special session start with the number “1”.

Reading of Title

It is constitutionally required that the titles of all bills and resolutions introduced each session be read aloud on the floor of the Legislature.²⁰⁶ The title of a measure is usually a short sentence describing the purpose of the legislation. Upon reading the title of a legislative measure, it is considered officially filed and ready to be forwarded to the Reference Committee for referral. The Clerk ensures that the title of the bill, along with the name of the introducer, is printed in the Legislative Journal.²⁰⁷

Bill Referral

As noted in Chapter 2, the Executive Board serves as the Legislature’s Reference Committee. This is a particularly important part of the legislative process since the introducer of the measure may have a certain standing committee in mind for review of the measure. These wishes may or may not be honored by the Reference Committee. In most cases, the content of

²⁰⁵Id., Rule 5, § 4(b).

²⁰⁶NEB. CONST. art. III, § 14.

²⁰⁷NEB. RULES OF THE LEG. Rule 1, § 19(b).

the legislative measure is easily distinguishable as to the subject matter and corresponding standing committee jurisdiction. However, there are instances when the measure could be referred to one of several standing committees and the decision is left to the Reference Committee. By a simple majority vote, the Reference Committee may refer a bill to the appropriate standing committee, or refer directly to General File in the case of revisor bills.²⁰⁸ Legislative resolutions relating to constitutional amendments and interim studies are also forwarded to the Reference Committee, which assigns the resolution to the appropriate standing committee for disposition.²⁰⁹

Any member may object to the reference of any bill or resolution. In the case of an error by the Reference Committee, the Legislature may correct the referral by unanimous consent or by the vote of a majority of the elected members.²¹⁰

Bill Withdrawal

No bill or resolution, having been introduced, may be withdrawn from the legislative process unless the appropriate motion is made by the sponsor with the consent of his or her co-sponsors. However, the motion may not be considered by the Legislature until the next legislative day. Upon a majority vote, the measure may be withdrawn.²¹¹ In most cases, withdrawn bills are due to a senator's discovery that a similar measure has already been introduced or because the problem which caused the introduction of the measure has been remedied. In other cases, the introducer may simply change his or her mind about pursuing the legislation. Once a date has been set for a public hearing, no bill or resolution may be withdrawn with seven calendar days of the hearing date.²¹²

²⁰⁸Id., Rule 3, § 4(e)(i).

²⁰⁹Id., Rule 4, § 8.

²¹⁰Id., Rule 6, § 2(a).

²¹¹Id., Rule 5, § 12.

²¹²Id., Rule 3, § 14.

Statement of Intent

The introducers of all legislative bills must submit a statement of intent for each measure to the appropriate committee chairperson at least 24 hours prior to the public hearing. The statement of intent should clearly outline the purposes and effects of the bill.²¹³ In practice, however, statements of intent are typically so general that little can be drawn from them except a very basic purpose of the legislation.

Fiscal Impact

A copy of every bill introduced is automatically transmitted by the Clerk to the Office of the Legislative Fiscal Analyst, an office supervised by the Executive Board. The Legislative Fiscal Analyst reviews each bill introduced and prepares an estimate of the anticipated cost of the measure upon the state or political subdivisions. The office then prepares a statement, known as a “fiscal note,” which is attached to the bill prior to its public hearing before a standing committee. The fiscal note must set forth the fiscal impact of the bill and the governmental subdivision, if any, affected by the fiscal impact. The Appropriations Committee utilizes fiscal notes in the preparation of “A” bills as may be necessary.²¹⁴

Initial Determination. In determining the fiscal impact of any bill, the Legislative Fiscal Analyst will ask the appropriate department, or other entity of state government or political subdivision affected by the bill, to prepare the fiscal note within five calendar days. After preparation, the fiscal note will be delivered back to the Clerk at least 24 hours prior to the public hearing on the bill. The Clerk then presents the fiscal note to the principal introducer. No comment or opinion may be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted. Fiscal

²¹³Id., Rule 5, § 4(e).

²¹⁴Id., Rule 5, § 7.

notes are particularly useful, not only for their fiscal information, but also for the brief summarization of the bill, which they sometimes contain.²¹⁵

Revisions to Note. When amendments to a bill are adopted by the Legislature and the amendments could potentially change the fiscal impact of the bill, a revised fiscal note is prepared and submitted.²¹⁶

²¹⁵Id.

²¹⁶Id.

CHAPTER 5 PUBLIC HEARINGS

One of the unique features of the Nebraska legislative process is that every legislative bill and resolution referred to a standing committee is given a public hearing. In fact, a committee may not take action on a given measure until a hearing is held.²¹⁷ This chapter examines the public hearing process, the duties of the committee conducting the hearing, and the committee's subpoena powers. (Refer to Chapter 3 for a review of the Nebraska Legislature's committee structure and duties of the chairperson.)

Committee Rules

The exact process used by each standing committee to conduct public hearings and the various meetings of the committee vary slightly among committee. To assist committees, the Clerk maintains a copy of a document entitled, "Model Committee Rules," which is available for adoption by a standing committee if it so chooses.²¹⁸ In fact, most committees utilize various aspects of the Model Committee Rules while supplementing certain provisions to meet the needs of the individual committee. In addition, the Rules of the Legislature lay out certain requirements for conducting public hearings in order to ensure a fair process for each measure.

Hearing Schedule and Notice. The chairperson of each committee is required to establish hearing dates for all measures referred to the committee.²¹⁹ The exception to this rule applies to Speaker major proposals (see Chapter 7) where the Speaker has the authority to require a certain date for a hearing so long as the applicable committee chairperson agrees to the date.²²⁰

²¹⁷Id., Rule 3, § 14.

²¹⁸Id., Rule 3, § 1(d).

²¹⁹Id., Rule 3, § 13(b).

²²⁰Id., Rule 1, § 17(b)(1).

The committee chairperson must give public notice of at least seven calendar days prior to conducting a public hearing. A hearing date cannot be withdrawn or cancelled within the seven-day period after notice has been issued.²²¹

Quorum. A majority of the members of a committee constitutes a quorum. While a quorum must be present for the transaction of any committee business, such is not the case for public hearings.²²² The Rules of the Legislature provide that a quorum of committee members “should be maintained throughout all committee hearings,” but such a quorum is not mandatory.²²³ The reason for this rule is one of practicality.

Since the Nebraska legislative process demands that all measures receive a hearing, there are literally hundreds of public hearings to be held each legislative session. Therefore, it is not unusual for several standing committees to hold public hearings simultaneously in different parts of the Capitol on the same day. Since the principal introducer of each measure is expected to formally introduce the measure before the committee conducting the hearing, he or she may have to temporarily leave one committee hearing to attend another hearing.

Hearing Procedures

Prior to the commencement of a hearing, the clerk of the committee distributes a roster (or sign-in sheet) to be signed by those desiring to testify. The roster will show the testifier’s name, address, and the group, if any, that the testifier represents. Each testifier must indicate whether he or she will be speaking in support or opposition of the bill, or providing neutral testimony.²²⁴

²²¹Id., Rule 3, § 14.

²²²Id., Rule 3, § 9.

²²³Id., Rule 3, § 10.

²²⁴Model Committee Rules (see Appendix C).

The committee chairperson or designee (e.g., the vice chairperson) calls the hearing to order at the prescribed time and usually reads a series of rules for the proceeding. Included among these instructions is the prohibition for anyone in attendance to use electronic devices that might otherwise cause a disturbance. The problem became so acute with the advent of mobile phones and pagers that the Rules of the Legislature were officially amended to prohibit such devices.²²⁵

The chairperson will review the order of bills to be heard that day and the order of testimony. Supporting testimony is usually given first at hearings followed by opposing testimony and neutral testimony. The principal introducer of the measure is allowed to speak before anyone else at the hearing and is also allowed to “close” following all other testimony.

Testimony. As noted above, the first witness to testify is the principal introducer of the legislative measure for which the hearing is being held. In some cases, a senator’s staff member is authorized to perform this function. In the case of a bill introduced on behalf of the Governor, the senator introducing such a measure may “open on the bill” and then defer further comments and questions to a member of the Governor’s staff, or the Governor him/herself. The principal introducer may also provide a list of testifiers to follow his/her opening comments. Following any structured list of testifiers, if any, all other witnesses take their turn to testify. Witnesses appearing before the committee may provide oral or written testimony, or a combination of both.

Questions. At any time during a testifier’s remarks, a member of the committee is permitted to ask questions or seek clarification. Very similar to a formal court proceeding, lawmakers ask a witness questions to further probe the insight and knowledge of the witness. Normally the questions, if any, are asked at the conclusion of testimony, and questions are

²²⁵NEB. RULES OF THE LEG. Rule 3, § 11.

usually intended to gain a clearer understanding of the perspective of the witness rather than to harass the witness. If the introducer of a measure is sitting as a member of the committee, he or she does not typically ask questions of the witnesses. In such cases, the committee member often is temporarily seated in the audience section of the hearing room in order to permit a fair hearing on the measure.

Time Limits. In most cases, a committee will conduct more than one hearing on any given day. Therefore, it is not uncommon for a chairperson to place a limit on a given hearing due to time constraints of the committee. Similarly, a chairperson may limit individual testimony to five minutes, for example, in order to keep the hearings in pace with the allotted time. At least one standing committee, the Judiciary Committee, utilizes a set of lights directly in front of the testifier (green, yellow, red) to indicate when time has begun and when time has expired.

Most committee chairpersons will publicly acknowledge receipt of written testimony prior to or during a hearing since not all testifies may have the opportunity to be present at the hearing itself.

Other Business. At the conclusion of all hearings on a given day, the chairperson may ask committee members to remain for an executive session or other business of the committee. (Executive sessions are discussed further in Chapter 6.)

Subpoena Power

It is within the inherent power of any legislative committee to gather information relevant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction. Included within this inherent power is the authority to subpoena, or compel the presence of a witness or production of documents. A committee's power of subpoena is not to

be exercised unless the committee has determined that no other method of securing the desired witness or information is available to it. In fact, the subpoena power is very seldom used, but such authority exists if necessary. (See Appendix D for more information on the subpoena power.)

CHAPTER 6 COMMITTEE CONSIDERATION

Once a public hearing has been conducted for a legislative measure, the assigned committee is expected to “consider and report without unnecessary delay” the disposition of the measure.²²⁶ In practice, committees will weigh each legislative measure in terms of urgency and importance and will often act expeditiously on some measures and handle others if time and opportunity permit them to do so. With so many bills and resolutions introduced each session, committees often “sift” through the measures to isolate those that must be addressed each session.

What follows is an examination of the process to dispose of the legislation under a committee’s jurisdiction once the public hearing stage has been completed for a given measure. This process includes the use of executive sessions, the options available to a committee in terms of final action, and the preparation and submission of committee statements.

Executive Session

One of the ongoing debates among legislators and observers of the legislative process is the extent to which committee actions should be made public. Some argue that closed committee meetings are as important to the legislative process as closed meetings and deliberations of a jury are to the judicial process. Proponents of closed committee meetings argue that the public interest is best served when committee members can engage in a full and free exchange of ideas before making a determination on the fate of legislation.²²⁷ Others argue that the public’s interest is best served by open meetings where the thought processes can be monitored or, perhaps, criticized as may be the case.

²²⁶NEB. RULES OF THE LEG. Rule 3, § 13.

²²⁷Breckenridge, *One House for Two*, 30-31.

The framers of the 1934 constitutional amendment, which created the Nebraska Unicameral, believed the two-house system promoted secretive committee sessions and a lack of public disclosure relating to committee actions.²²⁸ However, the framers also seemed to understand the value of at least some secretive sessions to facilitate the legislative process. A provision of the 1934 amendment, which remains in tact today, states in part, “The doors of the Legislature and of the committees of the Legislature shall be open, except when the business shall be such as ought to be kept secret.”²²⁹ The Constitution further states: “The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill.”²³⁰

In practice, there appears to be, for the most part, a balance between the benefits of private deliberations and the public’s right to know. Accordingly, standing committees consider the fate of legislation in executive (closed) session. The Rules of the Legislature define “executive session” to mean “any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection.”²³¹ Executive sessions are required to be open to members of the news media who may report on action taken and on all discussions in executive session. By opening such sessions to the media, the Legislature seemingly complies with the constitutional provision to maintain “open” doors during legislative proceedings. However, by a majority vote of the committee, a meeting may be closed to both the public and members of the news media. This type of closed meeting may only

²²⁸Johnson, *The Unicameral Legislature*, 139.

²²⁹NEB. CONST. art III, § 11.

²³⁰*Id.*

²³¹NEB. RULES OF THE LEG. Rule 3, § 16(a).

occur due to “rare and extraordinary circumstances” and the meeting must be reconvened in open session before any formal action may be taken.²³²

Members of the media are expected to abide by a “gentlemen’s agreement” not to divulge information and discussions from closed sessions until the committee has taken final action on a measure.²³³ In most cases, this unwritten agreement between lawmakers and the media has been honored. However, in recent years the media have tended to test this tradition by reporting on just about any “newsworthy” comment or idea mentioned in executive session. The activity does not appear to violate the written rules, but it has been at times the source of tension between legislators and members of the media.

Final Action

During executive session, under normal circumstances, members of the committee may discuss and vote on any bill for which a public hearing has been held. The parliamentary procedure used by most standing committees in closed session is similar to Robert’s Rules of Order, including the need for a “second” to a motion by a committee member. After a motion has been made and seconded with regard to a bill or resolution, a majority of the committee must vote in favor of the motion for it to be adopted.

If a motion to advance (or kill) a measure either fails or is approved by a majority vote, the matter is considered a “final action” and may not be reconsidered after the committee submits a report on such action taken.²³⁴ However, a committee may reconsider any final action prior to making a report so long as the reconsideration takes place within eight calendar days of

²³²Id., Rule 3, § 16(b).

²³³Breckenridge, *One House for Two*, 30-31.

²³⁴NEB. RULES OF THE LEG. Rule 3, § 17(b).

the final action.²³⁵ If the committee votes on a motion for disposition of the measure and the vote results in a tie, the committee is considered “deadlocked.” A tie vote is not considered a final action, and, therefore, additional votes may be taken on the disposition of the measure.

A standing committee has essentially four available options in terms of disposition of a legislative measure under its jurisdiction after a hearing is held:

- a. *Advance to General File* - The committee could advance the measure to the first stage of debate, General File, without suggesting any changes to the original measure;
- b. *Advance to General File with Amendments* - The committee may choose to advance the measure with amendments attached for consideration by the Legislature;
- c. *Indefinitely Postpone* - The committee may indefinitely postpone a measure (also known as “killing” a bill); or
- d. *Hold* - A committee may hold a bill without taking any other action, which results in an automatic carryover in the case of 90-day sessions.

The act of “attaching” amendments may arise for a number of reasons. The amendments, which become known as “committee amendments,” may serve as a compromise solution between members of the committee or between interested parties. The amendments may be technical in nature due to errors in the original legislation. The amendments may also represent a partial or entire rewrite of the legislation if the committee so chooses. The committee also uses amendments to attach or join other bills, or parts of bills, to the bill being advanced.²³⁶ Whatever the reason for their recommendation, committee amendments are not automatically merged into the original measure. Committee amendments represent a separate vote by the Legislature before they can be officially merged into the original bill. The process within the committee involves a vote to approve the recommended amendments and a separate vote of the committee to advance the measure to General File.

²³⁵Id.

²³⁶Id., Rule 3, § 13(a).

If the committee holds the measure past the end of a 90-day session without taking any final action, the measure automatically “carries over” to the following 60-day session.²³⁷ Carry over measures remain viable pieces of legislation and may be acted upon during the following session. If the committee holds a measure through the end of a 60-day session, the measure is automatically considered indefinitely postponed since a bill cannot carry over beyond the end of two-year legislative cycle.

Floor Motions

An indefinitely postponed (killed) bill may be “brought back to life” by a motion to “raise from committee” on the floor of the Legislature. Prior to 1975, a motion to raise a measure, which had been indefinitely postponed by a committee, required a simple majority vote (25 votes) of the Legislature. However, in 1975 the power of the committee’s final determination was strengthened when the rules were changed to make it more difficult to reverse the committee’s decision.²³⁸ Under the current rules, such a motion must specify whether the particular bill is to be placed on General File or referred back to committee and may be adopted (i) by a three-fifths vote of the Legislature (30 affirmative votes) so long as the motion is made within three legislative days after the committee makes its report to the Legislature, or (ii) by a two-thirds vote of the Legislature (33 affirmative votes) if the motion is made more than three legislative days after the committee report. The Rules of the Legislature require that any such motion to raise from committee must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it will be deemed defeated.²³⁹

²³⁷Id., Rule 5, § 14.

²³⁸Rodgers, Sittig, and Welch, “The Legislature,” 70.

²³⁹NEB. RULES OF THE LEG. Rule 3, § 18.

Except for state budget bills, the Legislature may, by majority vote, request a status report from any committee at any time after the committee has been in possession of a measure for at least 20 legislative days.²⁴⁰ Another rule permits a motion by a senator to place a bill on General File if the respective committee has not taken final action on the measure within two days after the public hearing.²⁴¹

Committee Statements

The Rules of the Legislature require a report on the disposition of a measure within eight calendar days after the committee has taken final action upon the particular measure.²⁴² The report takes the form of a “committee statement,” which is prepared by the respective chairperson of the committee and submitted to the Legislature through the Clerk’s office.²⁴³ The committee statement contains the following information: (1) the one-line title and number of the bill; (2) a roll call vote of final committee action taken on the bill; (3) the date of the public hearing on the bill; (4) a list of all individuals testifying for and against the bill and any organization they represent; (5) a summary of the bill’s purpose and a description of all major provisions for change in the bill as written and as amended by the committee; and (6) a copy of any applicable committee amendments and an explanation of those amendments.²⁴⁴

A “minority statement” also may be submitted separately from the committee statement on behalf of any member(s) who voted against the final action or who otherwise oppose some aspect of the action such as the attached committee amendments.²⁴⁵ A member of a committee

²⁴⁰Id., Rule 3, § 20(a)

²⁴¹Id., Rule 9, § 7.

²⁴²Id., Rule 3, § 17(b).

²⁴³Id., Rule 3, § 19(a).

²⁴⁴Id., Rule 3, § 19(a).

²⁴⁵Id., Rule 3, § 19(b).

may also offer a “concurring statement” to the majority opinion. However, minority statements and even concurring statements are rarely offered.

Committee statements along with all attachments are made available to senators and to the general public. Upon filing with the Clerk’s office, the daily Legislative Journal will officially record the disposition of the measure by the respective committee.

CHAPTER 7 PRIORITY DESIGNATION

Until 1981 the Legislature had no system or method in place to designate which measures were considered priorities over other measures unless a given lawmaker made such information known to his or her colleagues. However, even the act of making other legislators aware of one's most important bill did not ensure any special privileges or procedure. In the meantime, three other factors were weighing heavily on the efficiency of the legislative process: (1) the limited number of days in each legislative session; (2) the increasing number of bills introduced each session; and (3) the relatively high number of measures advanced from committee for consideration.²⁴⁶

As a result the Legislature opted to develop a system in order to narrow the focus of legislative sessions to the more important or pressing issues facing the state each year. In 1981 the Rules of the Legislature were changed to employ a process by which individual senators and committees may designate priority measures that will have precedence over most non-prioritized measures during the session.²⁴⁷ The system was not meant to guarantee final passage or even advancement from committee. However, the system does permit legislators and committees to make known their most important measures of the year and to ensure a procedure for handling such measures upon designation.

Ranking System. There are four categories of priority designation: (a) senator priority measures; (b) standing committee priority measures; (c) Speaker priority measures; and (d) Speaker major proposals. Within the priority system, there is an unwritten rule for the ranking of priority measures based upon the category of prioritization. By ranking the various categories of

²⁴⁶Rodgers, Sittig, and Welch, "The Legislature," 70.

²⁴⁷Office of the Clerk of the Legislature.

priority measures, the Speaker is able to determine which priority measure takes precedence over another for purposes of setting the daily agenda. The ranking of priority measures is as follows:

1. Speaker major proposals;
2. Senator priority measures;
3. Standing committee priority measures; and
4. Speaker priority measures.

Since no official rule exists pertaining to ranking of priority measures, the Speaker could conceivably use any ranking system he or she desires. However, since the inception of the priority system in 1981, the Speaker has typically placed senator priorities at the top of the list and ahead of other priority measures with the exception of budget bills and Speaker major proposals. One of the safeguards contained within the legislative rules requires the Speaker to seek the approval of the Executive Board in establishing the order of bills to be debated. The Legislature may, by a three-fifths vote, alter the Speaker's recommended order of bills as the body may deem necessary.²⁴⁸

Procedures for Designation. Priority designations may be made at any time prior to the designation deadline that is set each year by the Speaker. However, the designation deadline must occur prior to the 45th legislative day in 90-day sessions and prior to the 30th legislative day in 60-day sessions.²⁴⁹ The designator of a priority measure may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority measure in its place.²⁵⁰

Consideration. The priority system is designed to sift through the total number of bills and resolutions introduced and identify those that are considered most important, at least to those

²⁴⁸NEB. RULES OF THE LEG. Rule 1, § 16(a).

²⁴⁹Id., Rule 5, § 5(d).

²⁵⁰Id., Rule 5, § 5(e).

designating them as priorities. Accordingly, all committees must schedule priority measures for public hearing ahead of all unscheduled, non-priority bills unless the senator or committee making the priority designation consents otherwise.²⁵¹

Priority measures are generally considered ahead of all other bills at each stage of floor debate. Priority measures requiring the expenditure of appropriated funds will be held on Final Reading (the final stage of debate) until after the annual budget bill has been passed, and no priority bill may take precedence over the budget bill. A priority bill that fails to advance after two votes on General File, or after one vote on Select File, will automatically return to non-priority status.²⁵²

Generally, priority bills within each prioritization category are debated according to the (i) date and time the measure was designated (and filed with the Speaker) followed by (ii) the status of the measure in question. In other words, if a particular senator priority measure was designated first in time among all other senator priority designations but remains in committee without final action, then the next senator priority bill on the list, which has been advanced from committee, will be debated first.

Senator Priority Measures. Each senator may designate one bill or resolution as a priority measure. Senator priority measures do not need to be designated by the main sponsor of the measure, but the principal introducer must concur with the designation as a priority measure. The introducer must also concur with the withdrawal of the priority designation once made.²⁵³ The prominence of a senator priority designation is demonstrated within the priority system since

²⁵¹Id., Rule 5, § 5(f).

²⁵²Id., Rule 5, § 5(h) and (i).

²⁵³Id., Rule 5, § 5(a).

even those measures designated as a Speaker major proposal must first be designated as a senator priority measure.

Committee Priority Measures. Committee priority designations are permitted for any legislative committee authorized to conduct public hearings on legislative measures.²⁵⁴ In practice, usually only standing committees designate committee priorities. Each committee chairperson may designate up to two measures as committee priorities. In most cases, the chairperson will seek the consent of all members of his or her committee prior to designating a measure as a committee priority. Similar to all other priority designations, the principal introducer must concur with the designation as a committee priority bill and also the withdrawal of the designation once made.²⁵⁵

Speaker Priority Measures. The Speaker may designate up to twenty-five priority measures each regular session.²⁵⁶ However, in most instances, Speaker priority measures are ranked much lower on the agenda than senator and committee priority measures, and many Speaker priority bills are never debated during the course of an average session. In fact, the Speaker usually gives precedence to other priority measures over Speaker priority measures with the exception of Speaker major proposals.

Speaker Major Proposals. Speaker major proposals are a relatively new addition to the priority system. The rule was adopted in 1996 due to concerns over the lack of time during a session to consider all senator priority measures, much less other priority measures. The Speaker major proposals were intended to lift the crucial legislative issues above the fray and permit the Legislature to focus on essential matters.

²⁵⁴Id., Rule 5, § 5(b).

²⁵⁵Id.

²⁵⁶Id., Rule 5, § 5(c).

The Speaker is authorized to designate up to five bills or resolutions as “major proposals” during each legislative session.²⁵⁷ These major proposals are also referred to as “super priorities” because they take precedence over all other priority measures. The Speaker may only designate a bill or resolution as a major proposal if a senator has designated the same bill or resolution as a senator priority bill. In addition, Speaker major proposals must be approved by a two-thirds vote of the Executive Board.²⁵⁸

Designating a measure as a major proposal gives the Speaker unique authority over the measure. The Speaker may require a standing committee, to which a major proposal has been referred, to hold a public hearing by a certain date so long as the date is agreeable with the applicable committee chairperson. The Speaker may also require the committee to take action on the measure by an agreeable date in order that the measure is not delayed in the legislative process.²⁵⁹ Finally, the Speaker has the very unique authority, during floor debate, to determine the order of amendments and motions to be considered.²⁶⁰

²⁵⁷Id., Rule 1, § 17(a).

²⁵⁸Id.

²⁵⁹Id., Rule 1, § 17(b).

²⁶⁰Id., Rule 1, § 17(c).

CHAPTER 8 GENERAL FILE

It is difficult to compare the Nebraska legislative process to any other state. The first obvious distinction is the difference between Nebraska's single-house versus the bicameral system used in all other states. Another difference is the weight placed on the committee process in the Nebraska Legislature as opposed to other legislatures. In many respects, the Nebraska committee system serves as the second house where measures are "funneled" through to the next stage of the legislative process.

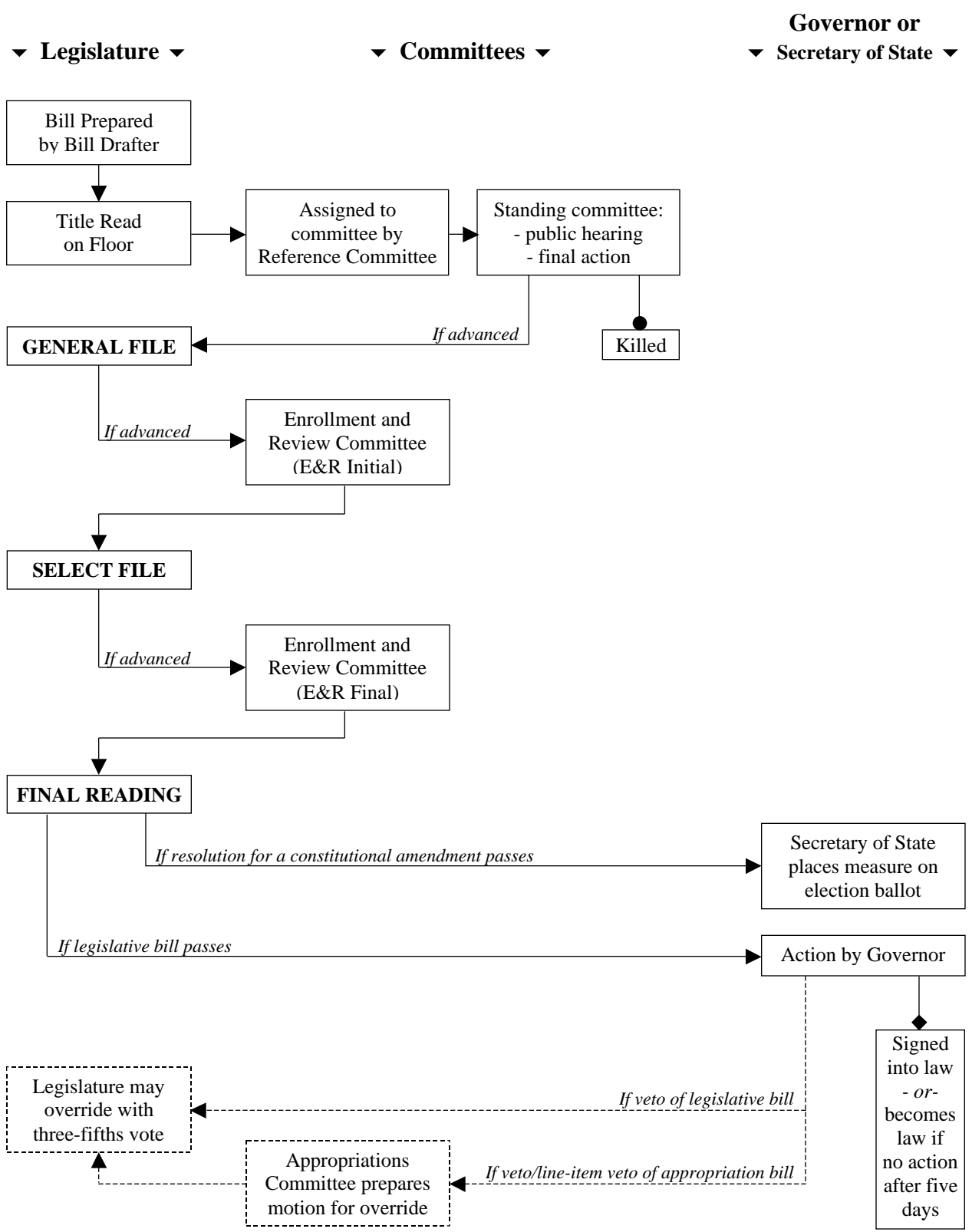
Chapters 8 through 10 address what might be considered the second half of the Nebraska legislative process (see Graph 17). Since the committee process (the first half) provides a fairly rigorous legislative review, usually only those measures with merit are advanced to the floor. If a measure has "made it" passed the committee stage, it is typically viewed as worthy of further consideration by the legislative body. The second half of the Nebraska legislative process is often referred to as the "floor debate" stage, which consists of three separate phases (General File, Select File, and Final Reading) intermingled by two additional, technical phases (E&R Initial and E&R Final). What follows is an exploration of the first phase of floor debate: General File.

Floor Introduction

Upon a vote of the respective standing committee, a bill or resolution may be advanced to General File, the first stage of consideration by the entire Legislature. Non-priority measures are listed and considered on General File in the order in which they are reported from the standing committees, except as modified by the Speaker.²⁶¹ The Clerk of the Legislature is required to

²⁶¹Id., Rule 5, § 5(g).

Graph 17: The Nebraska Legislative Process



Sources: Nebraska Constitution, Nebraska Rules of the Legislature.

read the number of the bill or resolution and the title of the measure along with the name of the principal introducer as it comes up for consideration on General File. If there are amendments attached to the legislation, the Clerk will alert members of this information. A bill will not be read section by section unless requested by a member of the Legislature.²⁶² It is expected that each member of the Legislature will “do the homework” and review each measure as it appears on the daily agenda. A senator’s staff plays a major role in the effort to keep the senator informed.

Following the reading of the title of the measure, the introducer will be recognized for up to ten minutes to explain the purpose of the measure.²⁶³ The act of “selling” the legislation to his or her colleagues is one of the most important elements of the legislative process. The ten minute introduction may not be interrupted by questions and comments from other legislators, but the introducer should be on hand to answer questions throughout the debate process in order to have a chance of success.

Amendments

Immediately after the introductory speech by the main sponsor, the body will consider any pending amendments to the legislation using the following system:²⁶⁴

1. If there are no pending amendments to the measure, the debate process will begin immediately after the sponsor’s introduction;
2. If the measure was advanced to General File with committee amendments attached by the respective standing committee, the committee chairperson, or designee, will be recognized to explain the amendments immediately after the sponsor’s introduction; and
3. If there are any other pending amendments, they will be treated as amendments to the committee amendments and will be debated and voted upon prior to a vote on the committee amendments.

²⁶²NEB. RULES OF THE LEG. Rule 6, § 3(a).

²⁶³Id., Rule 5, § 3(b).

²⁶⁴Id.

The drafting and filing of committee amendments rests with the chairperson of the committee having jurisdiction over the measure. The chairperson of each standing committee is permitted to hire a committee clerk and a committee legal counsel whose offices are maintained in the office of the chairperson. These individuals assist the chairperson in the business of the committee, including such duties as maintaining records of the committee's official meetings, filing committee statements, and drafting amendments and legislative measures on behalf of the committee. Therefore, it falls upon the committee chairperson to make sure all committee amendments are drafted and filed prior to General File debate on a given measure.

With the exception of committee amendments, which are drafted and approved by the bill drafter's office, a senator may file an amendment at any stage of debate by two different means. The first, and most often used, method is to have the amendment drafted and approved by the bill drafter's office. In such cases, the amendment is normally filed with the Clerk's office in advance of debate on the measure itself. To file an amendment in such a manner means several things. First, the daily Legislative Journal will reflect the amendment number (e.g., "AM1000"), the name of the introducer(s), and the text of the amendment so long as the amendment does not exceed ten pages in length (if over ten pages, the amendment is filed in the Clerk's office).²⁶⁵ Secondly, to file an amendment means that all interested parties are provided notice of the amendment's existence.

In some cases, however, a senator may wish, or may not have any choice, to file an amendment during debate of a measure. These amendments are called "floor amendments" and may be handwritten or typed and quickly filed with the Clerk during debate. Floor amendments (e.g., "FA100") may also appear in the Legislative Journal in advance of debate on a measure if

²⁶⁵Id., Rule 1, § 19(e).

the amendment was submitted to the Clerk on the floor one or more days prior to the start or continuation of debate a given measure.

Whether it is an amendment to an amendment or the committee amendments, a senator may, in most cases, move to “divide the question” for purposes of facilitating debate. This activity often occurs when the amendment incorporates two or more sections that offer “propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature.”²⁶⁶ In other words, if one division fails to be adopted, the other section(s) may nevertheless succeed in adoption and the bill may be advanced. A motion to divide the question is typically used when a senator perhaps favors one part of a measure but not another part. In all cases, a division of the question remains a decision of the presiding officer who must first rule on the “divisibility” of the amendment. If he or she rules that it is divisible, the introducer of the amendment will be consulted in order to divide the amendment into various sections for purposes of debate. If the presiding officer rules against division, he or she may be challenged through a motion to “overrule the ruling of the chair.”²⁶⁷

After discussion and debate of any particular amendment, any senator may “call the question” or “move to cease debate.”²⁶⁸ If the question is successfully called, by a show of five hands in support of the motion and a majority vote of the body, the introducer of the amendment may “close” or provide final comments on the amendment prior to a vote. In the case of committee amendments, the committee chairperson may close on the issue by urging “adoption” of the amendments. When the chairperson is personally opposed to the committee amendments, he or she is expected to voice the opinion of the majority of his or her committee and urge

²⁶⁶Id., Rule 7, § 3(e).

²⁶⁷Id., Rule 1, § 12.

²⁶⁸Id., Rule 7, § 4.

adoption of the amendments. Assuming the Legislature adopts the committee amendments, if applicable, any member of the Legislature may still move to amend the legislation at any time during debate. All amendments under General File debate must be adopted by a majority vote of the Legislature, and the adopted amendments then become a part of the original legislation.

If, in the opinion of the Speaker, the measure is in such form that it should properly be referred back to committee for further action, he or she may order it returned. Any member may challenge this decision and, by a majority vote of the body, may overrule the decision of the Speaker.²⁶⁹ Similarly, in the event a measure has become substantially a new and different proposal than that forwarded committee by reason of amendments having been adopted, the Speaker may refer the measure to the Reference Committee for referral to the proper committee for a public hearing. This decision is also subject to challenge by any member and, by majority vote of the body, may overrule the Speaker.²⁷⁰

Motions

At almost any time during debate, a lawmaker may offer a motion to perform some type of activity relevant to the measure or the legislative process in general. Some of these motions are listed in Figure 18 and others will be explored below. Many of the motions discussed in this section apply to all stages of debate.

Motions have varying rules both for adoption and the sequence in which they may be offered and considered. Several of the most common types of motions have already been discussed at length, including motions to amend and motions to divide the question. Generally, motions may be divided into four categories or types of “questions”: privileged, incidental,

²⁶⁹Id., Rule 6, § 3(h).

²⁷⁰Id., Rule 6, § 3(g).

subsidiary, and main.²⁷¹ Privileged motions, or “priority motions” under the Nebraska Rules, represent questions that have been given a special privileged status and usually relate to the legislative body. An example of a priority or privileged motion is the motion for a “call of the house” in order to require attendance in the chamber for a vote. Privileged questions also include motions to adjourn or recess. A motion to reconsider a vote taken, as discussed below, is considered a privileged motion.²⁷²

Incidental questions represent motions of a general procedural nature that arise out of the work of the body. Such motions relate to what may be considered and to the manner in which it is to be considered. Examples of incidental questions include a motion to divide the question (i.e., division of an amendment or bill), a motion relating to the method of voting, and a motion to withdraw another filed motion.²⁷³

Subsidiary questions are motions of a procedural nature relating directly to or adhering to main motions. Subsidiary motions include, for example, motions to indefinitely postpone or bracket until a certain date.²⁷⁴ Main motions are those that sound most familiar to observers of the legislative process. Main motions include a motion to adopt an amendment, a motion to advance a measure, or a motion to pass a measure.²⁷⁵

During legislative debate, a motion may either be spoken out loud once the maker is called upon or submitted in writing to the Clerk. Once restated aloud by the presiding officer or Clerk most motions may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made.²⁷⁶

²⁷¹*Mason’s Manual of Legislative Procedure*, 2000 ed. (Denver: National Conference of State Legislatures, 2000), 132.

²⁷²*Id.*, 134.

²⁷³*Id.*, 135-136.

²⁷⁴*Id.*, 137-139.

²⁷⁵*Id.*, 140.

²⁷⁶NEB. RULES OF THE LEG. Rule 7, § 3(a).

Figure 18: Other Motions on General File

Key: MEM - Majority of Elected Members; MTV - Majority of Those Voting.

<i>Motion</i>	<i>Vote</i>	<i>Authority</i>
Withdraw measure upon introduction but before General File debate	MTV	Rule 5, § 12
Pass over during General File debate (to delay debate to a later time)	MTV	Rule 6, § 3d
Indefinitely postpone before measure is read on General File	MEM	Rule 6, § 3f

Source: Nebraska Rules of the Legislature.

Reconsideration

A motion to reconsider is perhaps one of the more complicated motions under the Rules of the Legislature, which govern how and when the motion may be used. Typically, during General File debate, the motion is used to reconsider the vote of an amendment or another motion. Interestingly, only those members voting in favor of the item at issue or those not voting on the item may actually make the motion to reconsider the vote. During General File debate, the motion to reconsider must be made on the same day the original question was decided or on the next legislative day, unless the rules are suspended to permit it. A motion to reconsider must be taken up by the body within five legislative days after its making or it will be deemed defeated. If a majority of the body votes against the motion to reconsider, no further motion to reconsider may be made unless by unanimous consent of the body.²⁷⁷ A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the body.²⁷⁸

Bracket

Another motion sometimes used is a “motion to bracket.” A motion to bracket, if successful, postpones the continuation of debate until a specified date and the motion may occur at any stage of consideration of a measure. If made by the primary introducer of the measure, the motion requires a majority of those voting. If made any senator other than the primary introducer, the motion requires a majority vote of the body.²⁷⁹

²⁷⁷Id., Rule 7, § 7.

²⁷⁸Id., Rule 7, § 3(a).

²⁷⁹Id., Rule 6, § 3(e).

Cloture

A final motion worth mentioning relates to a procedure to end debate called “cloture.” Cloture is defined as a “legislative rule or procedure whereby unreasonable debate (i.e., filibuster) is ended to permit vote to be taken.”²⁸⁰ In practice, however, a motion for cloture may arise in more situations than just a filibuster. In some cases, the measure in question represents a very complicated piece of legislation requiring a slow deliberative process. Whatever the case, the motion for cloture is a fairly recent addition to the Nebraska legislative process being added to the rules in the early 1990s. The motion may be made at any stage of consideration by the principal introducer of the bill, a cointroducer authorized to do so by the introducer, or the chairperson of the committee, if introduced by that committee.²⁸¹

Until 2001, a motion for cloture could not be made until at least eight hours of debate on any given stage of consideration. However, in 2001 the rules were changed to permit the motion at just about any time so long as the presiding officer agrees that a full and fair debate has been afforded. If the presiding officer disagrees with the mover, the motion will be ruled out of order and the ruling may not be subject to challenge. If the presiding officer does not rule otherwise, a vote on the cloture motion is taken immediately requiring a two-thirds majority vote of the body to be successful. If the motion for cloture is successful, a vote on the pending matter will be taken immediately, without debate. If the pending matter is an amendment, then a vote will first occur on the amendment and then on advancement of the measure itself.²⁸²

A motion for cloture, which fails for lack of sufficient votes, will result in the debate on the measure ending for the day. When the Speaker chooses to resume debate on the bill,

²⁸⁰*Black's Law Dictionary*, 6th ed., s.v. “Cloture.”

²⁸¹NEB. RULES OF THE LEG. Rule 7, § 10.

²⁸²*Id.*

successive motions for cloture will not be in order until at least two additional hours of debate has occurred. If the presiding officer rejects a motion for cloture on a measure due to lack of full and fair debate, successive motions for cloture may be offered at any time.²⁸³

Other Motions

There are also several motions that could actually be made at any stage of the legislative process and relate to a standing committee's disposition of a measure. If a committee votes to indefinitely postpone a measure, a senator may move to place the measure on General File, notwithstanding the committee's action. Such a motion would require an affirmative vote of three-fifths of the body. Similarly, any measure advanced by committee to General File, may be returned to the committee by a three-fifths vote of the body.²⁸⁴ Finally, any senator may successfully move that a measure be placed on General File twenty calendar days or more after its public hearing, if the committee has not taken final action, by a vote of a majority of the body.²⁸⁵

Dilatory Motions and Amendments

The Rules of the Legislature prohibit the filing of motions and amendments for dilatory purposes or to otherwise slow down or impede the deliberative process.²⁸⁶ The problem, of course, is to ascertain if motions and amendments are being offered for dilatory purposes or for legitimate reasons. The rules provide that if more than two amendments and/or motions are offered to a measure, the principal introducer may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If, in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure

²⁸³Id.

²⁸⁴Id., Rule 3, § 18.

²⁸⁵Id., Rule 3, § 20(b).

²⁸⁶Id., Rule 7, § 11.

will continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker may consult with the principal introducer of the measure and the introducer(s) of the amendment and/or motions in an attempt to reach an agreement as to which amendments and/or motions should be considered by the body. Depending upon the progress to reach such agreement, the Speaker may temporarily remove the entire measure from the agenda. After consultation, the Speaker must decide which, if any, amendments and/or motions are dilatory and rule such amendments and/or motions out of order. A motion to overrule the chair on this decision may be offered by the introducer(s) of the amendments and/or motions ruled to be dilatory.²⁸⁷

Methods of Voting

The standard rule concerning votes on the floor of the Legislature is that votes are taken “viva voca” (by word of mouth) or voice vote unless otherwise provided in the rules or requested by a member.²⁸⁸ In practice, the method of voting is often dependent upon the nature of the item to be voted upon. For instance, a vote on a motion to recess or adjourn is almost always a voice vote. The motion is made and members vote “aye” or “nay.”

Machine Vote

The presiding officer must cause the result of a vote to be obtained by means of machine vote (electric roll call system) if requested by a member or if the presiding officer is in doubt of a voice vote.²⁸⁹ The electric roll call system involves a voting board, which appears directly behind and above the presiding officer, and a set of buttons on the desk of each member. Members press the green button to vote “yes” and the red button to vote “no.” A corresponding red or green light appears next to the member’s name on the voting board.

²⁸⁷Id.

²⁸⁸Id., Rule 7, § 2(a).

²⁸⁹Id., Rule 7, § 2(b).

On a regular machine vote, only the totals will be printed in the daily Legislative Journal. For example, if a machine vote appears in the Journal as “28-12-5-4,” it means that 28 members voted “yes”, 12 members voted “no,” five members were present and not voting, and four members were excused from the chamber when the vote was taken. Whenever a machine vote is taken, no member may be permitted to vote after the presiding officer or the Clerk announce the results of the vote.²⁹⁰

Roll Call Vote

Also known as a “record vote,” a roll call vote requires the Clerk to call aloud the name of each member to prompt a voice vote of “aye,” “nay,” or “not voting”. A roll call vote may be requested by any member on any motion or issue. All roll call votes are taken in alphabetical. However, any member may request that the roll call vote be conducted in reverse alphabetical order unless the introducer of the motion under consideration objects.²⁹¹ To the casual observer, it may appear somewhat eccentric, if not ridiculous, to bother with who votes first and who votes last. Actually, a reverse order roll call vote is typically the quest of one member to encourage another member to state their position, so to speak, by voting a particular way. For example, on a given motion, Senator “A” may request a reverse roll call vote in order to witness how Senator “Z” plans to vote.

Roll call votes provide a record in the Journal by listing each member’s name according to their vote beginning with those who voted in favor, voted against, present but not voting, and those excused when the vote was taken. A member may wish to establish such a record in order to demonstrate a member(s) position on a given issue.

²⁹⁰Id., Rule 7, § 2(b).

²⁹¹Id., Rule 7, § 2(d).

Vote to Advance

At any time after sufficient debate and when no other amendments are pending, a legislator may call the question for closure on the matter. If the motion to cease debate is successful, the introducer will be recognized to close on the debate and urge his or her colleagues to support the measure. If no other subsequent priority motions are made, a machine vote is taken and a simple majority of the body will effectively advance the measure to Enrollment and Review Initial.²⁹² As noted above, a roll call vote may also be requested in order to vote on advancement. Any measure failing to receive a majority vote to be advanced to Enrollment and Review Initial after three attempts will be indefinitely postponed.²⁹³ A measure previously designated as a priority bill or resolution will be automatically lose its priority status after two attempts to advance on General File.²⁹⁴

The vote to advance on General File is as crucial under the Nebraska legislative process as a vote to advance from committee. It is often considered a major victory if the principal introducer is successful in advancing his or her measure from committee. If the principal introducer achieves success on General File, it is considered just as much a major accomplishment. General File debate is typically the “toughest” stage to achieve success since it represents the first time the entire body has had to review the merits or expose the pitfalls of the legislation. If advanced on General File, the measure often “sails” through the remainder of the process unless extenuating circumstances arise. However, for a more controversial measure, General File usually represents just one of many arduous steps toward final passage with two other major debate “battlegrounds” ahead of it.

²⁹²Id., Rule 6, § 4.

²⁹³Id., Rule 6, § 3(i).

²⁹⁴Id., Rule 5, § 5(h).

Enrollment and Review Initial

Upon a vote to advance on General File, the body is actually voting to advance the measure to a technical phase of the legislative process: Enrollment and Review (E&R) Initial. In theory, the vote to advance, if successful, places the measure back into the hands of a committee, in this case the Enrollment and Review Committee. In practice, the measure, upon advancement, is referred to the bill drafter's office to be reviewed for recommendations relative to arrangement and phraseology.²⁹⁵ In addition, the measure is redrafted to incorporate all amendments adopted during General File debate. After completion of this process, the measure is forwarded to the Clerk along with any applicable "E&R amendments." These amendments will usually represent the first item of business on the measure at the commencement of the next stage of the legislative process: Select File.

²⁹⁵Id., Rule 6, § 4.

CHAPTER 9 SELECT FILE

The second major stage of consideration is referred to as Select File. For most non-controversial measures, Select File is often a fairly quick process and results in the further advancement to the third and final stage. However, for other measures, Select File represents a continuation of debate similar to what may have occurred on General File.

E&R Amendments

In most cases, the first course of action on Select File is the adoption of any applicable E&R amendments.²⁹⁶ In most cases, this is a necessary formality whereby the presiding officer asks the Chairperson of the Enrollment and Review Committee to move to adopt the E&R amendments on a given measure. The E&R Chairperson will make the motion and a voice vote will adopt the amendments. However, as noted below, the body may choose to take a different course of action with regard to the fate of the measure on Select File.

Other Amendments and Motions

If any amendments were filed after General File, those amendments will be debated and considered on Select File. In addition, any amendment withdrawn and “re-filed” during General File debate will also be taken up during Select File debate. All such amendments require a majority vote for adoption with the exception of amendments that are substantially the same as any bill indefinitely postponed, in which case a three-fifths vote of the entire body is required.²⁹⁷

Often Select File serves as an opportunity for lawmakers to amend measures with the contents of other relevant, or somewhat relevant measures, that may not otherwise have a chance of passage on their own right due to lack of time in the session. The result of this activity is

²⁹⁶Id., Rule 6, § 5(a).

²⁹⁷Id., Rule 6, § 5(b).

sometimes referred to as a “Christmas tree” bill because the original bill becomes “ornamented” by other bills and parts of bills. Priority measures are often targeted for such activity because their heightened status offers a better chance of passage. However, all such amendments must be considered “germane” to the subject of the measure to be amended.²⁹⁸

Germaneness. The issue of germaneness appears and reappears throughout the legislative process and can often lead to hotly contested debates. The Rules of the Legislature state that, “Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal.”²⁹⁹ If an amendment relates to a substantially different subject than that of the measure to be amended, then the amendment must be considered not germane. The problem, naturally, is that legislators will often disagree about what is and what is not a “substantially different subject.” If a member believes an amendment is not germane, he or she may ask for a ruling by the chair on the issue as a point of order. The presiding officer must then rule the amendment either germane or not germane. The chair’s ruling may be challenged by any member and the chair may be overruled by a majority of those present in the chamber at the time.³⁰⁰

Other Motions. Upon the commencement of debate on Select File, any member may move to recommit to the proper standing committee.³⁰¹ If the motion is approved by a majority of the members, the measure will return to its respective standing committee for more consideration.³⁰² In practice such a motion, if successful, would likely be the end of the measure since it would then have to travel back through General File in order to have another chance.

²⁹⁸Id., Rule 7, § 3(d).

²⁹⁹Id.

³⁰⁰Id., Rule 1, § 12.

³⁰¹Id., Rule 6, § 5(c).

³⁰²Id., Rule 6, § 6(e).

A member may also move to indefinitely postpone a measure on Select File, which motion requires a majority vote of the elected members.³⁰³ Whether made on General File or Select file, the rules require that such a motion be delayed at least one legislative day before consideration unless the principal introducer requests immediate consideration of the motion.³⁰⁴ However, a motion to kill a measure at any stage of the post-committee phase is considered a drastic action and one seldom used.

Vote to Advance

Unless otherwise requested, a vote to advance a measure from Select File to the next stage of the legislative process, Enrollment and Review Final, will require only a voice vote.³⁰⁵ If a machine vote is requested, a motion to advance will require an affirmative vote of a majority of the elected members of the body.³⁰⁶ The more controversial the measure, the greater likelihood for a request of a machine vote.

Any measure failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts will be indefinitely postponed.³⁰⁷ A priority measure failing to advance after one vote on Select File will automatically return to non-priority status.³⁰⁸

Enrollment and Review Final

Once a measure advances from Select File, it is once again referred to bill drafters for final “engrossment” at which time the measure is prepared for Final Reading. All amendments adopted on Select File are incorporated into the measure and, if necessary, further E&R amendments are recommended in order to make technical changes.

³⁰³Id., Rule 6, § 6(d) and (e).

³⁰⁴Id., Rule 7, § 3(a).

³⁰⁵Id., Rule 7, § 2(a).

³⁰⁶Id., Rule 2, § 1.

³⁰⁷Id., Rule 6, § 5(h).

³⁰⁸Id., Rule 5, § 5(h).

CHAPTER 10 FINAL READING

The last stage of consideration in the legislative process is Final Reading. Typically, there is little or no debate at this stage, and, in most cases, the bill or resolution is read and a vote is taken. However, as noted below, there are instances when other important activities occur at this stage.

Return to Select File

The intention behind Final Reading is to consider those measures that are ready for a final vote. Therefore, if a member wishes to amend a measure on Final Reading, the legislation must first be “returned to Select File for specific amendment.”³⁰⁹ The process actually requires two separate votes; one vote to approve the motion to return and, if the motion is approved, another vote to adopt the amendment. The motion itself must first be approved by a majority vote of the body.³¹⁰ During the debate on the motion, any member may raise a point of order to request a ruling on the germaneness of the amendment to be considered.

If the motion to return to Select File fails, the Legislature proceeds to take a vote on passage of the measure, unless other motions to return have been filed. If the motion is successful, the next item of business is consideration of the specific amendment proposed under the motion to return to Select File. No other amendment may be considered when the legislation is returned. (A separate motion to return to Select File for specific amendment must be filed for each proposed amendment.) The adoption of the amendment requires a majority vote of the body unless the amendment is substantially the same as a measure that has been indefinitely postponed, in which case the amendment must be approved by a three-fifths vote of the

³⁰⁹Id., Rule 6, § 6(a).

³¹⁰Id.

members.³¹¹ If the proposed amendment is defeated, the measure immediately returns to Final Reading for a vote. If the amendment is adopted, the measure is forwarded to the bill drafters once again for engrossment. Unless the rules are suspended by a three-fifths vote of the body, the measure must adhere to a mandatory one legislative day “layover” before it may again appear on Final Reading.³¹²

A legislator’s intent to return a measure to Select File for specific amendment varies. In most cases, the introducer or the chairperson of the respective standing committee discovers an error that needs to be corrected, or perhaps circumstances have changed such that a particular provision also needs to be changed. In other cases, an opponent of the legislation may attempt this procedure in a last ditch effort to make the legislation acceptable to his or her wishes.

Vote to Pass

The process for final passage of a measure has historical roots in the inception of the Nebraska Unicameral since one of the criticisms of a one-house legislature was the possibility for hasty enactment of legislation in the absence of a second house. To compensate for the absence of a second house, the framers of the 1934 constitutional amendment proposed a requirement that no legislative measure could be passed unless at least five legislative days had lapsed and the measure had been on file for Final Reading for at least one legislative day.³¹³ These provisions remain a part of the State Constitution to this day.³¹⁴ In addition, the Rules of the Legislature require that printed copies of the measure, in its final form, are available to members and on their desks for at least one legislative day.³¹⁵

³¹¹Id.

³¹²Id., Rule 2, § 2; Rule 6, § 7(b).

³¹³Sittig, *The Nebraska Unicameral After Fifty Years*, 9.

³¹⁴NEB. CONST. art III, § 14.

³¹⁵NEB. RULES OF THE LEG. Rule 6, § 7(c).

E&R Amendments. Before a vote to pass a measure may occur, any applicable Enrollment and Review (E&R) amendments must first be adopted.

At Large Reading. All measures on Final Reading must be read aloud by the Clerk before a vote to pass.³¹⁶ This constitutionally required step is designed to give lawmakers one last opportunity to hear word by word what the measure is intended to do. In practice, the at large reading has little practical value since the Clerk must read at such a rapid rate as to render the reading unintelligible. Reading word-for-word every single measure on Final Reading would require an exorbitant amount of time and would leave very little time for the actual debate of legislation. Consequently, members often find themselves catching up with paperwork or even reading the newspaper while the reading drones on. They are not allowed to leave the chamber because the rules require lawmakers to remain in their assigned seats during Final Reading.³¹⁷

Dispense at Large Reading. To say members dislike the at large reading process would be an understatement. However, it took over thirty years before the Legislature finally decided to do something about it. In 1969 the Legislature voted to place several structural changes before the voters. One such measure would eliminate biennial sessions in favor of annual sessions. The other measure would eliminate at large reading for measures on Final Reading. In the 1970 General Election, the voters narrowly voted to accept annual sessions but rejected the elimination of at large reading.³¹⁸

As shown in Figure 19, two other attempts to eliminate the at large reading were rejected by voters in 1976 and 1982. However, in 1995 the Legislature approved a constitutional amend-

³¹⁶NEB. CONST. art. III, § 14; NEB. RULES OF THE LEG. Rule 6, § 8(a).

³¹⁷NEB. RULES OF THE LEG. Rule 2, § 3(h).

³¹⁸Nebraska Blue Book, 264-265.

Figure 19: Ballot Measures Relating to At Large Reading of Measures

<i>Year</i>	<i>Ballot</i>	<i>Purpose</i>	<i>For</i>	<i>Against</i>	<i>Result</i>
1970	General	Eliminate reading of entire bill before final vote	170,873	222,788	Lost
1976	General	Eliminate requirement that bills be read at large before final vote	207,816	315,089	Lost
1982	General	Eliminate requirement that bills be read at large before final vote	210,647	264,826	Lost
1996	Primary	Allow Legislature, with a 3/5s vote, to dispense with the reading of a bill when presented for final vote	160,443	88,208	Passed

Source: Nebraska Blue Book, 264-270.

ment that appeared to be a compromise compared to earlier attempts. The measure would require at large readings on measures unless the Legislature, by a three-fifths majority, voted to dispense with such reading. The measure appeared on the 1996 Primary Election ballot and passed by a relatively large margin.

In practice, many legislative bills are still read aloud on Final Reading even though the authority exists to dispense with such activity. The rules require the Speaker to designate on the published agenda which bills will be considered for a vote without an at large reading. The body must then vote on each bill so designated without debate. If the Legislature confirms the Speaker's designation, by a three-fifths vote, the title of the bill is read, and the final vote is taken with voting held open for three minutes. If the motion to dispense at large reading on any bill fails to receive the three-fifths majority vote, the body will proceed as normal with the bill being read at large prior to the final vote.³¹⁹ Typically, the shorter bills are read aloud while the lengthier bills are designated for suspension of the at large reading requirement.

Emergency Clause. In some cases, the nature and purpose of a bill may require immediate enactment into law if passed and signed by the Governor. In such cases, the Rules of

³¹⁹NEB. RULES OF THE LEG. Rule 6, § 8(a).

the Legislature provide a process to declare an emergency with regard to a bill and permit its immediate enactment. While all legislative bills on Final Reading require a simple majority vote of the elected members of the Legislature to pass, a measure containing the emergency “E-clause” require a two-thirds vote (33 votes) to pass.³²⁰ When a measure containing the E-clause does not receive the required two-thirds vote on Final Reading, then the E-clause will automatically be considered stricken. The measure, minus the emergency clause, will be subject to another vote requiring a simple majority of the elected members.³²¹

Emergency clauses may be attached to a bill at the time of introduction, or by amendment during General File or Select File debate. The clause appears toward the end of a legislative bill and is placed within its own section of the bill. The phrase “to declare an emergency” also appears in the title of the bill in order to signify its special classification.

Voting Procedure. As noted above, Final Reading requires all members to be seated in their assigned seats and remain seated unless a motion requires them to rise and be recognized to speak. One such motion, discussed earlier, relates to the act of returning a bill to Select File for specific amendment. Another motion, used on occasion, is a motion to “strike the enacting clause,” the clause in every measure which states, “Be it enacted by the people of the State of Nebraska.” Such a motion, if adopted, is equivalent to a full rejection of the bill.³²²

In most cases, such a motion is offered not by an adversary of the measure, but rather by the introducer with the intent to offer some final comments about the measure before a vote is taken. In such cases, the mover will withdraw the motion before any vote can be taken on the motion itself. At times, however, the motion is offered by an adversary as a final effort to kill

³²⁰Id., Rule 6, § 10.

³²¹Id., Rule 6, § 9.

³²²Id., Rule 7, § 8.

the measure. If taken to a vote, a motion to strike the enacting clause requires a majority vote of the elected members to be successful.

As noted above, a legislative bill requires a simple majority vote (25 affirmative votes) to pass on Final Reading, unless the E-clause is attached, which requires a two-thirds vote (33 affirmative votes) to pass. In the case of resolutions to amend the State Constitution, a simple majority vote will advance the measure through all stages of the legislative process with the exception of Final Reading. Constitutional amendments offered by the Legislature require a three-fifths vote (30 affirmative votes) on Final Reading to place the measure on the next election of members of the Legislature (either the Primary or General Election). If the Legislature desires to place the measure on a special election ballot, the measure would require a four-fifths vote of the body (40 affirmative votes).³²³ If the measure fails to garner the four-fifths vote to be placed on a special election ballot, the same measure will automatically receive a second vote to place it on the next General Election ballot, which vote requires a three-fifths vote to be successful.³²⁴

All votes on Final Reading are machine votes and the record of such votes are printed in the daily Journal, including the names of those voting in favor, voting against, those present and not voting, and those excused. It is not unusual for the Speaker to schedule a series of bills on Final Reading at a time in order to make the best use of each session day. In the vast majority of instances, the Final Reading process runs smoothly and efficiently without much activity other than taking final votes. However, as outlined above, there are circumstances when Final Reading serves as just another battleground in the life of a legislative measure.

³²³NEB. CONST. art XVI, § 1.

³²⁴NEB. RULES OF THE LEG. Rule 6, § 15.

Motion to Reconsider. In the event a measure does not pass on Final Reading, a motion to reconsider may be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the motion or it will be deemed defeated. Unlike other motions to reconsider at other stages of the legislative process, a motion to reconsider a vote on Final Reading requires a three-fifths vote (30 affirmative votes) for adoption. When a bill did not pass with the E-clause attached but did pass without the E-clause attached, the motion to reconsider passage with the E-clause attached requires a two-thirds vote of the body (33 affirmative votes).³²⁵

Forward to Governor/Secretary of State

If a legislative bill passes on Final Reading, it is signed by the President (i.e., the Speaker or the Lt. Governor) and forwarded to the Governor for consideration. However, if the legislative measure is a resolution to amend the State Constitution, the measure is signed by the President and forwarded to the Secretary of State, the chief election officer, so that the measure can become a part of the designated popular ballot.

³²⁵Id., Rule 7, § 7.

CHAPTER 11 GUBERNATORIAL ACTION

After passage of a legislative bill on Final Reading, the Governor is given five calendar days (excluding Sundays) to make a decision.³²⁶ The Governor will have various options available to him or her depending upon the type of legislative bill presented.

Non-Appropriation Bills. All measures that are not appropriation bills (i.e., A-bills or budget bills) leave the Governor with three options once the measure reaches his or her desk. The Governor may (i) sign the bill into law within the five-day limit, (ii) veto the measure within the five-day limit, or (iii) take no action, which will cause the bill to become law after the five-day consideration period.³²⁷

If the bill is signed into law, or becomes law for lack of action by the Governor, the date of enactment will depend upon several factors. If the bill passed with the emergency clause attached, it will become operative one day after the Governor signs it into law. If the measure contains an operative date or dates of the various sections within the bill, then the operative dates will govern. If the bill does not contain the E-clause and does not contain an operative date, the bill becomes effective 90 days after the Legislature adjourns sine die.

If the Governor vetoes a non-appropriation bill, he or she will forward a letter stating the reasons for the veto action to the Clerk of the Legislature. The Clerk will then alert the body of the Governor's action and print the letter in the daily Journal.

Appropriation Bills. Appropriations bills afford the Governor four options: (i) sign the bill into law, (ii) veto the entire measure, (iii) take no action which will cause the bill to become law after the five-day consideration period, or (iv) line-item veto those portions of the measure

³²⁶NEB. CONST. art IV, § 15.

³²⁷Id.

that are unacceptable. As with other legislative measures, appropriations bills may contain the E-clause or may contain specific effective dates.

As with most state constitutions, the Nebraska Constitution permits the Governor to veto by line-item any part of an appropriation bill, whether an A-bill to legislative measure or the state budget bill(s).³²⁸ If the Governor vetoes an appropriation bill or any part of the bill, he or she must forward the measure along with his or her objections to the Clerk of the Legislature. The Clerk then enters the objections in the daily Journal.

³²⁸NEB. CONST. art IV, § 15.

CHAPTER 12 VETO OVERRIDE

Upon receipt of a message from the Governor announcing his or her veto of a bill or line-item veto of an appropriation bill, any member of the Legislature may move that the vetoed or partially vetoed bill be taken up for passage “notwithstanding the objections” of the Governor. Such motion must be made and acted upon within five legislative days after receipt of the message.³²⁹ If a motion is made, a three-fifths vote of the elected members (30 affirmative votes) is required to override the veto.³³⁰

If no motion to override is made or, if made, the motion is unsuccessful, the measure will stand as vetoed or partially vetoed. On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk will transmit to the Secretary of State all vetoed bills and line-item vetoed bills where no motion to override has been offered, or upon which a motion to override was unsuccessful.³³¹

Whenever the Governor has vetoed more than one item in an appropriation bill, the Appropriations Committee is required to review the veto action and the Chairperson of the Committee must then report, within one legislative day, the fiscal implications of the veto. If the Appropriations Committee, by majority vote, decides to recommend to the Legislature an override of the veto on any portion of the appropriation bill, the Chairperson is given the first opportunity to move that the entire bill become law notwithstanding the line-item veto. If the motion fails or is not offered, the Chairperson of the Appropriations Committee must then introduce motions to override selected portions of the vetoed bill. If the Appropriations Committee decides not to recommend overriding the veto of the bill or the veto of a certain

³²⁹NEB. RULES OF THE LEG. Rule 6, § 11(a).

³³⁰NEB. CONST. art. IV, § 15.

³³¹NEB. RULES OF THE LEG. Rule 6, § 11(b).

portion of the bill, any member of the Legislature may then offer a motion to override the veto of the bill or any selected portion.³³²

Whenever the Legislature overrides a veto or a line-item veto, the Clerk of the Legislature must attach to the bill a certificate to authenticate as having become law.³³³ The certificate must list the items overridden by section, page, and line. In addition to such certificate, the Clerk of the Legislature must note on each line a stamp reading “line-item veto overridden” and place the date along with his or her initials.³³⁴ The overridden bill and certificate are then filed with the Secretary of State.³³⁵

If the Governor vetoes the measure and the Legislature overrides the veto, the bill (with the E-clause attached) would become effective one day after the President signs the measure into law. If the E-clause is not attached, the bill becomes law according to the effective date(s) contained in the measure or, if no effective dates exist in the bill, 90 days after the Legislature adjourns sine die.

³³²Id., Rule 6, § 14.

³³³NEB. REV. STAT. § 84-503.

³³⁴NEB. RULES OF THE LEG. Rule 6, § 13.

³³⁵NEB. REV. STAT. § 84-503; NEB. RULES OF THE LEG. Rule 6, § 12.

PART III:
INTERIM

CHAPTER 13
STUDY RESOLUTIONS

Any senator or committee may introduce resolutions proposing interim study resolutions. The resolutions are submitted to the Clerk of the Legislature, printed in the Journal, and referred to the Executive Board. The Executive Board will then refer the study resolution to the appropriate committee.³³⁶ Interim study resolutions are used to gain further information about a particular topic whether or not a bill relating to the topic had been introduced in the previous session. In some cases, the study will examine potential or future policy issues. In other cases, the study will focus on an issue that was introduced as a bill in the previous session but may not have passed. The study would then examine other alternatives to the policy issue in order to succeed in a future legislative attempt.

Introduction. Study resolutions may be introduced up to and including the 80th legislative day in odd number years (90-day sessions) and the 50th legislative day in even number years (60-day sessions). Each standing committee is provided the opportunity to introduce one additional study resolution prior to adjournment sine die.³³⁷

Committee Prioritization. Study resolutions are prioritized by the chairperson of the committee assigned to investigate the resolutions. The chairperson of each committee must also file his or her committee's study plan for the highest prioritized interim studies referred to the committee. This study plan must be filed no later than 30 days after adjournment sine die. In order to investigate the question or problem posed in the interim study, standing committees may exercise their traditional prerogatives to conduct hearings and oversee matters and agencies that

³³⁶NEB. RULES OF THE LEG. Rule 4, § 3(a).

³³⁷Id., Rule 5, § 3(b).

are within their subject matter jurisdiction. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies.³³⁸

In practice, most committees use a three-tier priority structure. The first tier represents those studies that the chairperson would like to devote the majority of time and resources. These studies often involve public hearings and a more formalized research approach. The second tier involves those studies that will receive limited time and resources for research by the respective committee. The third tier studies are left to the individual senators who introduced them to research and report findings.

Select Interim Committees. The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board must consider whether the subject matter proposed for study lies within the jurisdiction of any standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board will be limited to subject matters that do not lie wholly within the jurisdiction of any standing committee. Membership on a select interim committee will, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study.³³⁹

Chief Sponsor. The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, will be an ex officio member of the committee during the conduct of the study.³⁴⁰

³³⁸Id., Rule 4, § 3(c).

³³⁹Id., Rule 4, § 3(d).

³⁴⁰Id., Rule 4, § 3(f).

Report. On or before December 1st of each year, each standing and select interim committee is required to file a report with the Executive Board on the disposition of the study resolutions referred to them. These reports will be printed in the Journal at the beginning of the next session of the Legislature.³⁴¹

The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Nine copies of each completed standing committee report are filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees are prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies are indexed and filed with the Legislative Reference Library.³⁴² In many cases, the findings of an interim study are used to fashion and support legislation for the next legislative session.

³⁴¹Id., Rule 4, § 3(g).

³⁴²Id., Rule 4, § 3(h).

CHAPTER 14 SPECIAL SESSION

In extraordinary circumstances, the Legislature may be called into session during the interim period between regular sessions. An issue often debated is whether the Legislature may call itself into special session. The answer is that only the Governor may call the Legislature into special session, but the Legislature retains the authority to compel the Governor to call the body into special session if he or she will not otherwise do so.

Call for Special Session. The Nebraska Constitution provides that the “Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.”³⁴³ This constitutional provision means that the Governor determines the date to convene and exact subject to be addressed. The Legislature may not exceed the scope of the “call” in the transaction of business during the special session. Nevertheless, in a normal chain of events, the Governor will confer with legislative leaders leading up to a call for special session in order to gain perspective on the issue and, perhaps, gain support for an appropriate legislative response to the issue.

In very rare circumstances, the Legislature may petition the Governor to call the body into special session. The process, as outlined in state law, requires ten or more members of the Legislature to lodge with the Secretary of State a signed written statement establishing the purpose or purposes for which the Legislature is to be convened in special session. The Secretary of State must certify to each of the other members (either by personal delivery or transmitted by registered or certified mail) the fact that the required number of members have lodged such written statements along with the object(s) of the special session.³⁴⁴

³⁴³NEB. CONST. art. IV, § 8.

³⁴⁴NEB. REV. STAT. § 50-125.

If within ten days after an additional number members, equally 33 members or more, have lodged similar written statements, the Secretary of State must then certify to the Governor that at least two-thirds or more of the Legislature have lodged written statements along with the object(s) of the special session. Upon certification, the Governor must, by proclamation, convene the Legislature to meet in special session within five days after receipt of the certificate from the Secretary of State. Once again, the Legislature may only enter upon the business specified in the proclamation.³⁴⁵

State law also provides a penalty against the Secretary of State or the Governor when either refuses or neglects to “punctually” perform the duties described above. In such cases, either or both may be “deemed guilty of an act of malfeasance which works a forfeiture of office.”³⁴⁶ Upon a complaint by any legislator, the Attorney General must file the appropriate legal action against the officer with the Nebraska Supreme Court. If the court finds that the officer failed to act punctually, a judgment will be rendered against the officer.³⁴⁷

Procedures. The process and procedures for a special session are very similar to that of a regular session. The first item of business is the introduction of bills and resolutions, except that bills and resolutions offered by the Speaker at the request of the Governor are introduced ahead of all other proposals. Bill introduction continues for a period of three session days and measures are then referred to the appropriate standing committee for public hearing and disposition.³⁴⁸ Notice of public hearings must be given as soon as possible since special sessions usually have a duration of no more than one or two weeks. The date of a hearing may not be set any more than

³⁴⁵Id.

³⁴⁶Id., § 50-126.

³⁴⁷Id.

³⁴⁸NEB. RULES OF THE LEG. Rule 9, §§ 2 and 4.

five calendar days after the date the measure was referred to the committee.³⁴⁹ The committee then disposes of the measure in the same manner as a regular session except that a report on final action must be made within 24 hours of the time final action is taken. If no report is forthcoming after the expiration of 24-hour period, any senator may file with the Speaker a motion that the committee chairperson be compelled to submit a report. If the Speaker concurs with the motion he or she must accept the motion and compel the chairperson to file the committee's report.³⁵⁰

If the final action on a measure is to postpone indefinitely, the measure will stand indefinitely postponed unless the appropriate motion is made from the floor to advance the bill to General File.³⁵¹ If the committee has not taken final action on a measure within two days after the public hearing, any senator may move that the bill or resolution be placed on General File, which motion must be approved by a majority of the elected members.³⁵² At the conclusion of a special session, all measures that have not been enacted will stand indefinitely postponed and may not carry over to the next legislative session.³⁵³

³⁴⁹Id., Rule 9, § 4.

³⁵⁰Id., Rule 9, § 5.

³⁵¹Id., Rule 9, § 6.

³⁵²Id., Rule 9, § 7.

³⁵³Id., Rule 9, § 8.

REFERENCES

- Berens, Charlyne. *Leaving Your Mark: The Political Career of Nebraska State Senator Jerome Warner*. Seward, Nebr.: Nebraska Times, 1997.
- _____. "Power to the People: Nebraska's Unicameral Legislature and the Populist/Progressive Ideal a Social Choice Approach." Dissertation, University of Nebraska, 2000.
- Breckenridge, Adam Carlyle. *One House for Two: Nebraska's Unicameral Legislature*. Washington, D.C.: Public Affairs Press, 1957.
- Comer, John C., and James B. Johnson, eds. *Nonpartisanship in the Legislative Process: Essays on the Nebraska Legislature*. Washington, D.C.: University Press of America, 1978.
- Commission, Mason's Manual Revision, ed. *Mason's Manual of Legislative Procedure*. Denver: National Conference of State Legislatures, 2000.
- Johnson, Alvin W. *The Unicameral Legislature*. Minneapolis: The University of Minnesota Press, 1938.
- Johnson, James Boyd. "The Nebraska Legislative System: Legislative Roles in a Nonpartisan Setting." Dissertation, Northwestern University, 1972.
- Miewald, Robert D., ed. *Nebraska Government & Politics*. Lincoln: University of Nebraska Press, 1984.
- Rosenthal, Alan. *Legislative Life: People, Process, and Performance in the States*. New York: Harper & Row, 1981.
- Senning, John P. *The One-House Legislature*. 1st ed. New York: McGraw-Hill Book Co., 1937.
- Sittig, Robert. *The Nebraska Unicameral after Fifty Years*. Lincoln, 1986.
- Summers, Harrison Boyd, ed. *Unicameral Legislatures*. Vol. 11, The Reference Shelf. New York: The H.W. Wilson Co., 1937.
- Wade, Harry W. "A Descriptive Analysis of Nebraska's Unicameral Legislature." Dissertation, University of Kansas, 1969.

APPENDIX A
AMENDMENT TO NEBRASKA CONSTITUTION ADOPTED NOVEMBER 6, 1934³⁵⁴

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

That Section 1 of Article III of the Constitution of Nebraska be amended to read as follows:

SEC. 1. Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven, the legislative authority of the State shall be vested in a Legislature consisting of one chamber. The people reserve for themselves, however, the power to propose laws, and amendments to the Constitution, and to enact or reject the same at the polls, independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature. All authority vested by the constitution or laws of the State in the Senate, House of Representatives, or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provision in the constitution and laws of the State relating to the Legislature, the Senate, the House of Representatives, joint sessions of the Senate and House of Representatives, Senator, or member of the House of Representatives, shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created and the members thereof. All references to Clerk of House of Representatives or Secretary of Senate shall mean, when applicable, the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Wherever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives, the Senate, or joint session thereof or the members of either body or both bodies, it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for.

That Section 5 of Article III of the Constitution of Nebraska be amended to read as follows:

SEC. 5. At the regular session of the Legislature held in the year nineteen hundred and thirty-five the Legislature shall by law determine the number of members to be elected and divide the State into Legislative Districts. In the creation of such Districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct Legislative Districts, as nearly equal in population as may be and composed of contiguous and compact territory. After the creation of such districts, beginning in nineteen hundred and thirty-six and every two years thereafter, one member of the Legislature shall be elected from each such District. The basis of apportionment shall be the population excluding aliens, as shown by next preceding federal census. In like manner, when necessary to a correction of inequalities in the population of such districts, the State may be redistricted from time to time, but no oftener than once in ten years.

That Section 6 of Article III of the Constitution of Nebraska be amended to read as follows:

SEC. 6. The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be biennial except as otherwise provided by this constitution or as may be otherwise provided by law.

That Section 7 of Article III of the Constitution of Nebraska be amended to read as follows:

SEC. 7. Members of the Legislature shall be elected for a term of two years beginning at noon on the first Tuesday in January in the year next ensuing the general election at which they

³⁵⁴Johnson, *The Unicameral Legislature*, 165-168.

were elected. Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. The aggregate salaries of all the members shall be \$37,500 per annum, divided equally among the members and payable in such manner and at such times as shall be provided by law. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

That Section 10 of Article III of the Constitution of Nebraska be amended to read as follows:

SEC. 10. The Legislature shall meet in regular session at 12:00 o'clock (noon) on the first Tuesday in January in the year next ensuing the election of the members thereof. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No members shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

That Section 11 of Article III of the Constitution of Nebraska be amended to read as follows:

SEC. 11. The Legislature shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the Committee of the Whole shall be open, unless when the business shall be such as ought to be kept secret.

That Section 14 of Article III of the Constitution of Nebraska be amended to read as follows:

SEC. 14. Every bill and resolution shall be read by title when introduced and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the legislature.

That Sections 12 and 28, of Article III, and Sections 9 and 17, of Article IV, be and the same hereby are repealed, effective as of January 1, 1937.

APPENDIX B

NEBRASKA STATE CONSTITUTION
ARTICLE III: LEGISLATIVE POWER³⁵⁵

Sec. 1. The legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum. (Amended 1912, 1934, 2000.)

Sec. 2. The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measures shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. (Adopted 1912. Amended 1920, 1988, 1998.)

Sec. 3. The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by

³⁵⁵Nebraska Blue Book, 217-223.

not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. (Adopted 1912. Amended 1920, 1988, 1998.)

Sec. 4. The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five per cent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition. (Adopted 1912. Amended 1920.)

Sec. 5. The Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. (Amended 1920, 1934, 1962, 1966, 2000.)

Sec. 6. The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law. (Amended 1920, 1934, 1970.)

Sec. 7. At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the

term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem. (Amended 1886, 1912, 1920, 1934, 1960, 1962, 1966, 1968, 1988.)

Sec. 8. No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected, or on the date of his appointment he is a registered voter, has attained the age of twenty-one years and has resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States or of this State. And no person elected as aforesaid shall hold his office after he shall have removed from such district. (Amended 1972, 1992, 1994.)

Sec. 9. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. Except as otherwise provided by law, a member of the Legislature who is elected to any other state or local office prior to the end of his or her term in the Legislature shall resign from the Legislature prior to the commencement of the legislative session during which the term of the state or local office will begin. (Amended 1972, 2000.)

Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior. (Amended 1934, 1970, 1974.)

Sec. 11. The Legislature shall keep a journal of its proceedings and publish them, except such parts as may require secrecy, and the yeas and nays of the members on any question shall at the desire of anyone of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the committees of the Legislature shall be open, except when the business shall be such as ought to be kept secret. The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill. (Amended 1934, 1998.)

Sec. 12. (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term. (Amended 2000.)

Sec. 13. The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas and nays on the question of final passage of any bill shall be entered upon the journal. (Amended 1912, 1920, 1972.)

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature. (Amended 1920, 1934, 1996.)

Sec. 15. Members of the Legislature in all cases except treason, felony or breach of the peace, shall be privileged from arrest during the session of the Legislature, and for fifteen days next before the commencement and after the termination thereof.

Sec. 16. No member of the Legislature or any state officer shall have a conflict of interest, as defined by the Legislature, directly in any contract, with the state or any county or municipality thereof, authorized by any law enacted during the term for which he shall have been elected or appointed, or within one year after the expiration of such term. The Legislature shall prescribe standards and definitions for determining the existence of such conflicts of interest in contracts, and it shall prescribe sanctions for enforcing this section. (Amended 1920, 1968, 1972.)

Sec. 17. The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Proceedings may be initiated in either a regular session or a special session of the Legislature. Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the Legislature, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State to meet within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by two senators, appointed by the Legislature, who may make technical or procedural amendments

to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted. (Amended 1972, 1986.)

Sec. 18. The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, Town plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County and Township offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities, Towns and Villages, or changing or amending the charter of any Town, City, or Village.

Providing for the election of Officers in Townships, incorporated Towns or Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, towns, precincts, school districts or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; Provided, that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted. (Amended 1964.)

Sec. 19. The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has

been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that when there are members elected or appointed to the Legislature or the judiciary, or officers elected or appointed to a board or commission having more than one member, and the terms of such members commence and end at different times, the compensation of all members of the Legislature, of the judiciary, or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof.

Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of the Constitution of Nebraska. (Amended 1920, 1952, 1968, 1972, 1978, 2000.)

Sec. 20. The salt springs, coal, oil, minerals, or other natural resources on or contained in the land belonging to the state shall never be alienated; but provision may be made by law for the leasing or development of the same. (Amended 1920.)

Sec. 21. Lands under control of the state shall never be donated to railroad companies, private corporations or individuals.

Sec. 22. Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject. (Amended 1972.)

Sec. 23. Repealed 1972.

Sec. 24. (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horse races, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws

providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis. (Amended 1934, 1958 1962, 1968, 1988, 1992.)

Sec. 25. No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution. (Amended 1964.)

Sec. 26. No member of the Legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

Sec. 27. No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, which is expressed in the preamble or body of the act, the Legislature shall by a vote of two-thirds of all the members elected otherwise direct. All laws shall be published within sixty days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may provide. (Amended 1972, 1998.)

Sec. 28. Repealed 1934.

Sec. 29. (1) In order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack upon the United States, or the imminent threat thereof, the Legislature shall have the power and the immediate duty, notwithstanding any other provision to the contrary in this Constitution, to provide by law for:

(a) The prompt and temporary succession to the powers and duties of all public offices, of whatever nature and whether filled by election or appointment, the incumbents of which, after an attack, may be or become unavailable or unable to carry on the powers and duties of such offices;

(b) The convening of the Legislature into general or extraordinary session, upon or without call by the Governor, during or after a war or enemy caused disaster occurring in the United States; and, with respect to any such emergency session, the suspension or temporary change of the provisions of this Constitution or of general law relating to the length and purposes of any legislative session or prescribing the specific proportion or number of legislators whose presence or vote is necessary to constitute a quorum or to accomplish any legislative act or function;

(c) The selection and changing from time to time of a temporary state seat of government, of temporary county seats, and of temporary seats of government for other political subdivisions; to be used if made necessary by enemy attack or imminent threat thereof;

(d) The determination, selection, reproduction, preservation, and dispersal of public records necessary to the continuity of governmental operations in the event of enemy attack or imminent threat thereof; and

(e) Such other measures and procedures as may be necessary and proper for insuring the continuity of governmental operations in the event of enemy attack or imminent threat thereof.

(2) In the exercise of the powers hereinbefore conferred, the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that, in the judgment of the Legislature, so to do would be impracticable or would admit of undue delay. (Adopted 1960.)

Sec. 30. The Legislature shall pass all laws necessary to carry into effect the provisions of this constitution. (Amended 1998.)

APPENDIX C
MODEL COMMITTEE RULES³⁵⁶

*(The following model rules are available to committees of the Nebraska Legislature.
While committees are not required to use these model rules, most do use most or
all of the guidelines contained in this set of rules.)*

I. Definitions.

1. Committee means any standing committee, select committee, special committee or interim study committee created by the state legislature.
2. Meeting means any regularly scheduled meeting, continued meeting, special meeting, closed meeting, executive session, public hearing, or closed hearing held by a legislative committee.
3. Hearing means any meeting of the committee held for the purpose of taking testimony or receiving other evidence in the course of committee business.
4. Public Hearing means any hearing open to the public or the proceedings of which are made available to the public.
5. Investigating Committee means any committee of the legislature exercising its power to compel the attendance and testimony of witnesses or the production of books, records, papers and documents to secure information on a specific subject within its jurisdiction for the use of the legislature. No subcommittee can exercise the powers of an investigating committee.

II. Committee Officers and their Duties.

- A. The Chairperson. The principal duties of a committee chairperson are as follows:
1. To call the committee together at the regular or appointed time and place.
 2. To arrange for the publication of meeting notices.
 3. To preside over meetings of the committee.
 4. To maintain order and decide all questions of order.
 5. To supervise and direct all clerical and other employees of the committee.
 6. To prepare or supervise, in consultation with the committee, the schedule of public hearings to be held by the committee.
 7. To prepare or supervise the preparation of a written agenda for all committee meetings.

³⁵⁶Office of the Clerk of the Legislature.

8. To prepare or supervise the preparation of interim study proposals necessary to properly carry out the committee's business, in consultation with the committee.
 9. To conduct or supervise the conduct of all studies assigned by the legislature, and all studies necessary to properly carry out the committee's business, and to insure proper documentation of all studies conducted.
 10. To prepare or supervise the preparation of written reports on all interim studies assigned the committee by the legislature, and on all committee studies in which testimony or information was secured by subpoena.
 11. To prepare or supervise the preparation of committee reports and committee statements and submit them to the legislature.
 12. To have custody and insure the security of all bills, resolutions, papers and other documents referred or submitted to the committee, to keep all committee materials separate and distinct from personal materials, to make all committee materials available to committee members at reasonable times, and to transmit committee materials to the appropriate repository when the committee is finished with them.
 13. To insure that all activities of the committee are carried out in accordance with the rules of the legislature and the rules of the committee.
- B. The Vice-Chairperson. The principal duty of the vice-chairperson is to preside over meetings in the absence of the chairperson. If both the vice-chairperson and the chairperson are absent, the meeting shall be chaired by the most senior legislative member of the committee.
- C. Other Officers. The committee may appoint other officers, or the chairperson appoint subcommittee chairs, as the business of the committee requires.

III. Committee Members, their Rights and Duties.

- A. In General. Committee members may participate freely in committee discussions and debate, make and second motions and assert points of order and privilege, subject to the usual rules of parliamentary procedure. In committee hearings, a committee member may question witnesses only with permission of the chairperson and only to the extent the chairperson allows, but the chairperson must afford each member of the committee a reasonable opportunity to question each witness.
- B. Attendance. It is the duty of committee members to attend and participate in all committee meetings. A member who cannot be present at a meeting must notify the chairperson or committee clerk in advance, and indicate where he or she can be located should his or her presence be needed.
- C. Conflict of Interest. A member must disclose in the committee records his or her interest in all committee proceedings relating to any question which directly and immediately affects his or her personal or private right or interest, if it conflicts with the public interest.

IV. Committee Powers.

- A. Powers. A committee should consider and act upon all measures referred to it and should present additional bills and reports which it deems important to advance the interests or promote the welfare of the people of the state.

When considering particular proposals, a committee should where possible consolidate related measures and avoid special legislation by proposing legislation and amendments which reflect general principles applicable to all similar cases. A committee should inquire into the condition and administration of laws relating to its subject matter jurisdiction and relating to measures which are referred to it, the conduct and performance of state officers and employees concerned, and should suggest legislation which will correct abuse and neglect, protect the public interest, and promote the general welfare.

- B. Action on Bills and Resolutions. When a bill, resolution or other measure has been referred to a committee, it may take all action necessary to provide full information on the matter for the consideration of the legislature. In respect to a bill, resolution or other measure, the committee may:

1. Recommend that it be adopted.
2. Recommend that it be adopted with amendments.
3. Prepare a substitute and recommend that it be adopted only when technical problems make a section-by-section amendment to the measure unworkable.
4. Consolidate related measures, and recommend that they be adopted as a single measure with amendments.
5. Present a factual report to the legislature relating to the measure.
6. Table the measure.
7. Indefinitely postpone the measure.

A committee may reconsider any action taken by it so long as the subject matter remains in the jurisdiction of the committee. Final action shall mean any of the alternatives outlined above except (5) and (6). Reconsideration can be moved at any time until the measure is reported to the legislature, but the motion does not suspend the requirement that a committee submit its report to the legislature within eight days after final action has been taken.

V. Committee Meetings while the Legislature is in Session.

- A. Official Committee Actions. Committee action is valid only if it occurs at a meeting properly called and held, with proper and complete notice, with a quorum present. However, no point of order, other than that a quorum is not present, shall be sustained against committee procedures unless made in a timely fashion either at the

commencement of the meeting or at the time such occasion for a point of order first occurs.

- B. **Calls for Committee Meetings.** The committee shall meet in accordance with the schedule of regular meetings established by the Committee on Committees but may continue any meeting to a later time or date certain prior to the next regularly scheduled meeting, by majority vote.

When a committee recesses or adjourns without provision for future meetings and with the permission of the reference committee, the committee is subject to the call of the chairperson or its members.

A committee without a regular meeting schedule as established by the Committee on Committees shall meet in accordance with the act by which the committee is authorized, or at the call of its chairperson or committee members.

- C. **Special Meetings.** The chairperson may on his or her own motion call a special meeting for a specified, limited purpose by issuing written notice for the meeting, stating the purpose thereof, at least twenty-four hours in advance of the meeting when possible.

Any three committee members who desire that a special meeting be called must submit a written request to the chairperson, signed by all three members and specifying the purpose of the meeting. The chairperson must call a meeting and issue written notices therefor within twenty-four hours after the request has been delivered, and the meeting must take place within seventy-two hours after the request has been delivered.

- D. **Notice of Meetings.** Notice of all meetings other than those regularly scheduled and notice of all meetings cancelled or postponed shall be read into the Journal by the Clerk of the Legislature at least one legislative day prior to the meeting when possible.

Written notice shall be given to all committee members stating the date, time, location and purpose of each committee meeting, cancellation or postponement. In the case of postponements, the notice shall specify the new date, time, and location of the meeting if known.

No business other than a motion to reconsider shall be conducted at any committee meeting except the business set forth in the notice of the meeting unless the committee by unanimous consent declares an unnoticed item of business to be an emergency.

- E. **Meeting Procedure When No Hearing is to be Conducted.** At the outset of each meeting, the chairperson shall call the roll of committee members and, if a quorum is not present, shall hold members for at least twenty minutes and attempt to secure a quorum before retiring.

If a quorum is secured, procedure shall be, generally, as follows:

1. Approval of written agenda for the meeting.
2. General announcements.
3. Approval of committee's Public Hearing schedule.

4. Approval of committee statements and acknowledgment of receipt of minority or concurring statements.
 5. Disposition of specific bills on which public hearing has been held.
 6. Other business.
 7. Adjournment to next regular meeting or to time and date certain.
- F. Public Hearing Procedure. Prior to the commencement of each hearing, the committee clerk shall distribute a roster to be signed by those desiring to testify. The roster will show the testifier's name and address and the group, if any, that the testifier represents. Each testifier shall indicate whether he or she will be speaking for or against the bill, or for informational purposes only.

Prior to the commencement of each hearing, the committee clerk shall also distribute a roster to be signed by those who do not intend to testify, but who want to indicate their support or non-support of the measure to be presented. Both rosters shall without further action become part of the hearing record.

Each witness appearing before the committee shall if possible submit a written statement prior to the hearing or at the commencement of the hearing, and confine his or her remarks to a brief summary thereof. Persons not testifying may also submit written statements to the committee .

Procedure for Public Hearings shall be generally as follows:

1. At the outset of each hearing the chairperson shall call the roll of committee members and if a quorum is not present, shall delay the commencement of the hearing twenty minutes before proceeding without a quorum.
2. Announcement by the chairperson of the hearing procedure and distribution of written rules to those who desire them.
3. Acknowledgment of the receipt of written or recorded testimony prior to the hearing: distribution of copies of written and proposed amendments to committee members.
4. Announcement of time limitations to be imposed, if any, per speaker or per side based on the chairperson's inspection of the speaker's roster, upon the approval of such limitation by majority vote of the committee.
5. Presentation of the measure to the committee by its introducer.
6. If amendments have been proposed by the introducer of a measure without prior notice and publication, the committee shall determine whether the amendments proposed would so alter the measure that adequate notice of the measure's content as amended has not been given. If the committee so determines, by a majority vote of those present, the hearing shall be postponed, or the committee shall provide for a continued hearing on specific portions of the measure. If the committee determines that the proposed amendments do not substantially alter the measure, the hearing shall proceed.

7. Those speaking in favor of the measure shall speak after the introducer.
8. Those speaking against the measure shall speak after those in favor.
9. Those speaking for informational purposes only shall speak at the direction of the chairperson.
10. The introducer may present a summarizing statement and final argument at the conclusion of the public hearing on the measure.
11. Questions shall be asked of testifiers for informational purposes, and for clarification. If the introducer of a measure is sitting as a member of the committee, he or she may not question witnesses. The chair shall preserve at all times an atmosphere of decorum and respect towards witnesses, and shall see that a full and fair hearing is allowed to all parties.
12. After all measures scheduled have been heard, the committee agenda may provide for other committee business or adjournment to a date and time certain.

VI. Committee Meetings when the Legislature is not in Session.

- A. In General. Committees of the legislature may be convened from time to time during the interim as their business requires or as the act establishing the committee provides. All procedures applicable to the committee during the legislative session are in force as to the committee during the interim where applicable, and notice of meetings shall be given.
- B. Calls for Committee Meetings. The chairperson may call a meeting for a specified purpose by issuing written notice for the meeting at least seven days in advance unless an emergency exists. Notice for all committee meetings shall contain the time, date, place, and specific purpose of the meeting.

Any three committee members who desire that a meeting be called must submit a written request signed by all three members and specifying the purpose thereof. The chairperson must call a meeting and issue written notices to all members within three calendar days after the request has been delivered, and the meeting must take place within ten calendar days after the notices have been mailed.

VII. Committee Reports.

- A. Reports of Bills and Resolutions. Every measure reported by a committee must be accompanied by a written committee statement. The action recommended by the committee shall be included in the committee statement.

The committee chairperson should, when final action is taken on a measure, provide instructions to committee staff as to the content of the committee statement, and when appropriate may assign to a committee member the task of formulating all or part of the statement. Members who wish to prepare a minority statement or a concurring statement should immediately notify the committee chairperson of that intent, and should make request for staff assistance at that time. Reasonable requests for staff assistance shall not be denied.

- B. Authentication of Committee Reports and Committee Statements. Committee statements and reports must bear the signature of the committee chairperson. Minority or concurring reports must bear the signatures of their proponents.
- C. Reports on Interim Studies and Investigations. The report of a committee directed to investigate or report upon any matter should contain a complete statement of the committee's activities its findings and conclusions. The report should be accompanied by formal resolutions covering all recommendations concerning the matter referred to it, so that the immediate implementation of the recommendations by the Legislature will be possible. If a legislative bill is recommended by the committee report, the bill should accompany the report. Interim study reports shall be in a uniform format designated by the Executive Board, and shall include but need not be limited to the following:
1. A copy of the enabling act establishing the study, if any.
 2. A copy of the committee's original study proposal and plan of action as filed with the Executive Board within thirty days after the matter was referred to the committee or within thirty days after the committee on its own action took up the matter for study.
 3. The minutes of all meetings and all hearings held by the committee.
 4. A factual summary of the findings of the committee.
 5. An analysis of the public policy issues involved in the matter.
 6. Recommendations of the committee, together with any resolutions or bills suggested for adoption by the Legislature.

Each report shall be separately bound, and at minimum, two copies made for retention in committee records, and two copies made for retention by the Executive Board in the Legislative Library.

Any investigation carried out by a committee, whether or not by affirmative legislative direction, which has resulted in the subpoena of any witness or any documents must be fully reported to the Legislature.

VIII. Committee Records.

- A. Records in General. A complete record of committee proceedings shall be kept by the chairperson, including but not limited to:
1. The time and place of each meeting of the committee.
 2. The attendance and absence of committee members at each meeting.
 3. The names and addresses of all persons appearing before the committee, with the name of the person, firm, corporation or association, and address, in whose behalf the appearance is made.

4. The agenda of each meeting.
 5. A roll call vote of all actions taken by the committee at the meeting.
- B. Verbatim Records. Verbatim records of all public hearings shall be made, and shall be available for examination and copying at cost to the general public.
- Verbatim records of all closed hearings shall be made, but shall not be available to any persons other than the individuals testifying and to committee members unless by a majority vote the committee directs otherwise.
- Verbatim records of all committee meetings other than hearings shall be made at the discretion of the chairperson, but no verbatim records shall be made at an executive session unless by a majority vote the committee directs otherwise.
- C. Privacy of Committee Records. All records of a committee are public and are to be made available for inspection and copying at cost, with the exception of records made at a closed meeting which have not been released by the committee. No member of a committee and no other person has the right to publish or publicize any portion of the proceedings of a closed committee meeting unless and until it has been reported to the Legislature by the committee, or release has been authorized by majority vote of the committee. Prior or unauthorized publication is a breach of privilege.
- D. Confidentiality of Information. It is the duty of a committee to safeguard and insure the security of information which is confidential. No member of the committee and no other person may publish or publicize such information or discuss or allude to it in conversation or debate outside of closed committee meetings.
- It is likewise the duty of the committee to safeguard other information received in closed meeting or in other confidential fashion which affects the reputation or interests of innocent parties.

APPENDIX D
COMMITTEE SUBPOENA PROCEDURE³⁵⁷

It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska. A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

³⁵⁷NEB. RULES OF THE LEG. Rule 3, § 21.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required

by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt. The chairperson of a committee may apply to the

Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The Speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

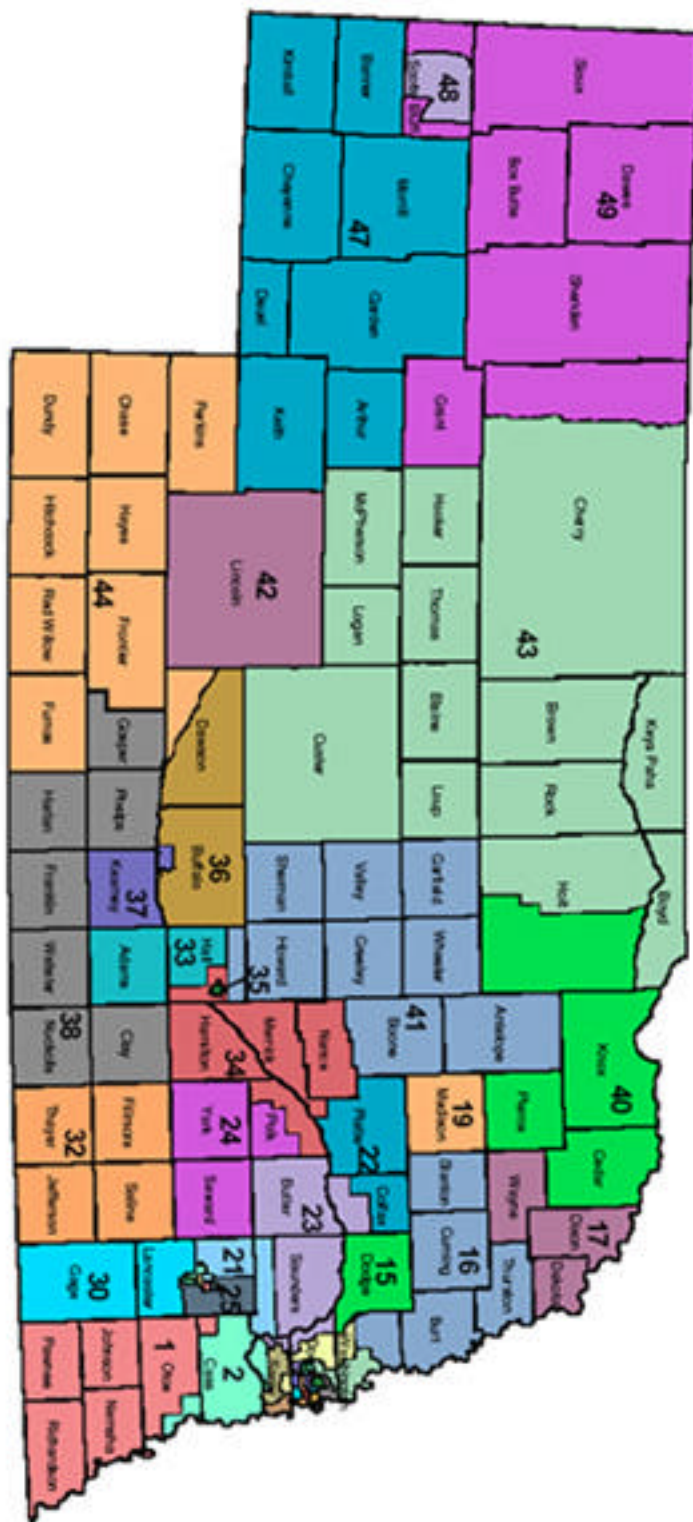
APPENDIX E
 NUMBER OF BILLS INTRODUCED AND LAWS PASSED BY
 NEBRASKA UNICAMERAL LEGISLATURE, 1937-2000³⁵⁸

<i>Year</i>	<i>Session</i>	<i>Carryover Bills</i>	<i>New Bills</i>	<i>Laws</i>
1937	52nd	—	581	214
1939	53rd	—	523	138
1940	54th(Special)	—	8	6
1941	55th	—	515	196
1943	56th	—	446	240
1944	57th(Special)	—	6	6
1945	58th	—	395	260
1946	59th(Special)	—	10	8
1947	60th	—	568	358
1949	61st	—	546	318
1951	62nd	—	562	354
1952	63rd(Special)	—	2	2
1952	64th(Special)	—	8	8
1953	65th	—	595	369
1954	66th(Special)	—	10	6
1955	67th	—	559	354
1957	68th	—	615	404
1959	69th	—	739	475
1960	70th(Special)	—	3	3
1960	71st(Special)	—	2	2
1961	72nd	—	737	465
1963	73rd	—	815	545
1963	74th(Special)	—	26	17
1965	75th	—	937	584
1966	76th(Special)	—	3	3
1967	77th	—	947	632
1968	78th(Special)	—	6	2
1968	79th(Special)	—	3	2
1969	80th	—	1,440	858
1970	81st(Special)	—	7	6
1971	82nd(1st)	—	1,077	551
1972	82nd(2nd)	123	519	364
1973	83rd(1st)	—	589	365
1974	83rd(2nd)	97	470	268
1975	84th(1st)	—	613	306
1975	84th(Special)	—	7	4
1976	84th(2nd)	169	398	216
1977	85th(1st)	—	550	268

³⁵⁸Nebraska Blue Book, 407-408.

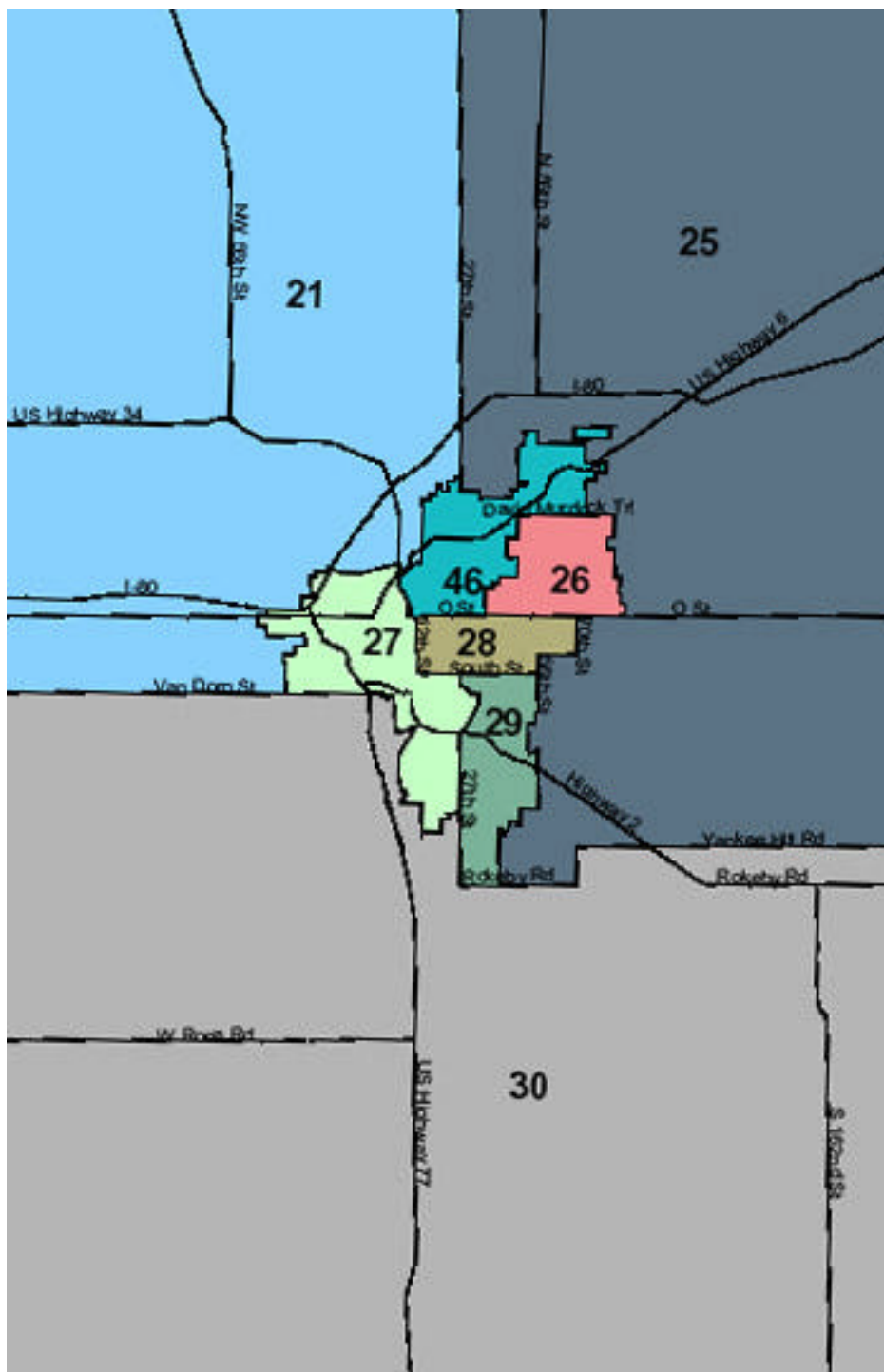
<i>Year</i>	<i>Session</i>	<i>Carryover Bills</i>	<i>New Bills</i>	<i>Laws</i>
1978	85th(2nd)	172	416	275
1978	85th(Special)	—	16	3
1979	86th(1st)	—	597	310
1980	86th(2nd)	151	407	242
1981	87th(1st)	—	562	290
1981	87th(Special)	—	8	2
1982	87th(2nd)	170	409	186
1982	87th(2ndSpecial)	—	3	2
1983	88th(1st)	—	632	295
1984	88th(2nd)	224	499	289
1984	88th(Special)	—	3	0
1985	89th(1st)	—	728	248
1985	89th(Special)	—	5	1
1985	89th(2ndSpecial)	—	35	9
1986	89th(2nd)	—	531	316
1986	89th(3rdSpecial)	—	3	3
1986	89th(4thSpecial)	—	5	3
1987	90th(1st)	—	787	358
1988	90th(2nd)	234	451	259
1988	90th(Special)	—	3	3
1989	91st(1st)	—	817	308
1989	91st(Special)	—	9	4
1990	91st(2nd)	344	430	198
1991	92nd(1st)	—	857	276
1991	92nd(Special)	—	6	1
1992	92nd(2nd)	469	437	144
1992	92nd(2ndSpecial)	—	16	5
1992	92nd(3rdSpecial)	—	30	16
1992	92nd(4thSpecial)	—	8	2
1993	93rd(1st)	—	845	345
1994	93rd(2nd)	343	519	224
1995	94th(1st)	—	889	288
1996	94th(2nd)	403	503	182
1997	95th(1st)	—	891	307
1998	95th(2nd)	390	472	119
1998	95th(Special)	—	3	2
1999	96th(1st)	—	883	327
2000	96th(2nd)	397	566	152

APPENDIX F
 1. LEGISLATIVE DISTRICTS: STATEWIDE MAP³⁵⁹

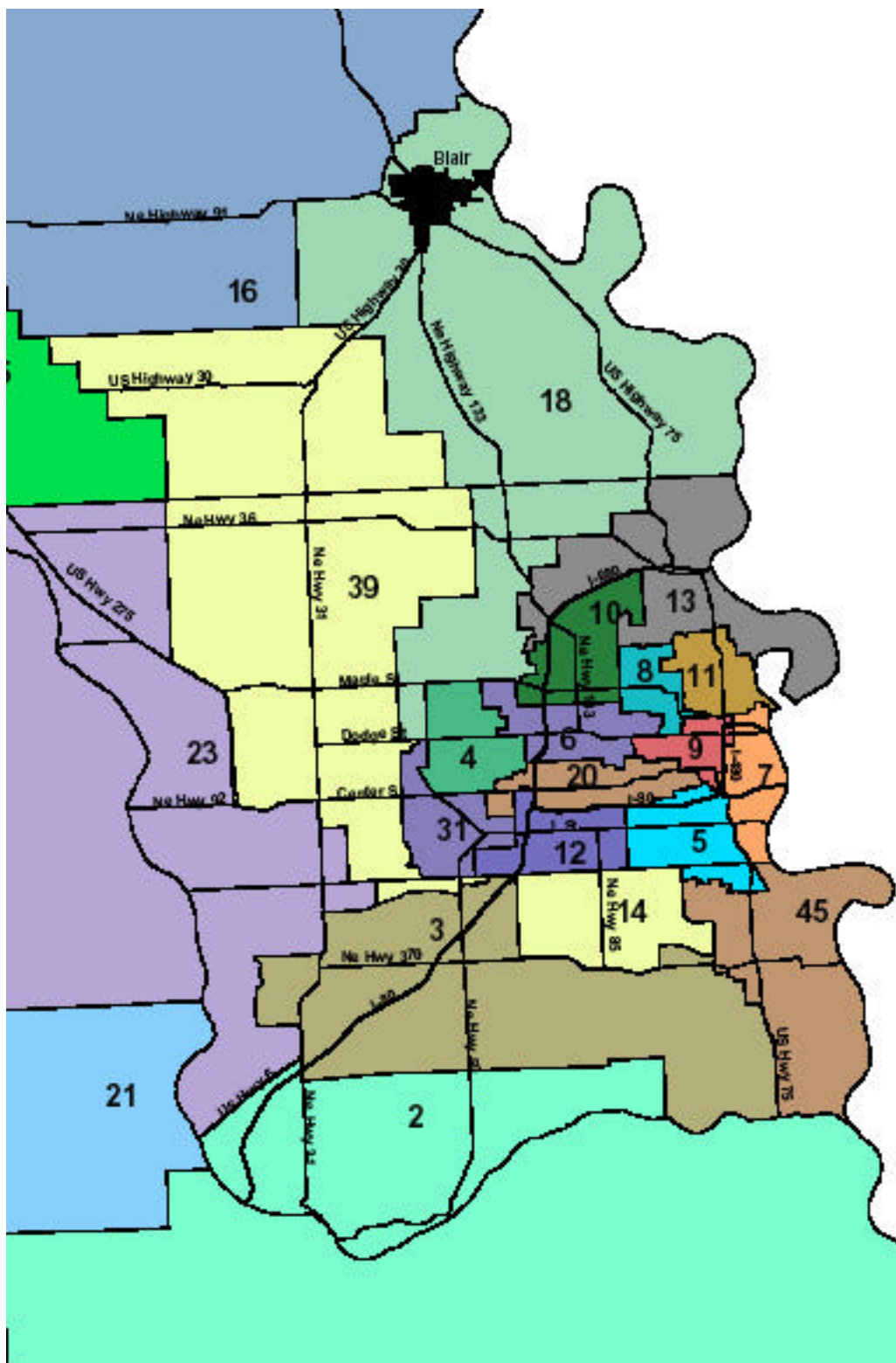


³⁵⁹Legislative Research Division.

2. LEGISLATIVE DISTRICTS: LANCASTER COUNTY



3. LEGISLATIVE DISTRICTS: DOUGLAS, SARPY, AND WASHINGTON COUNTIES



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