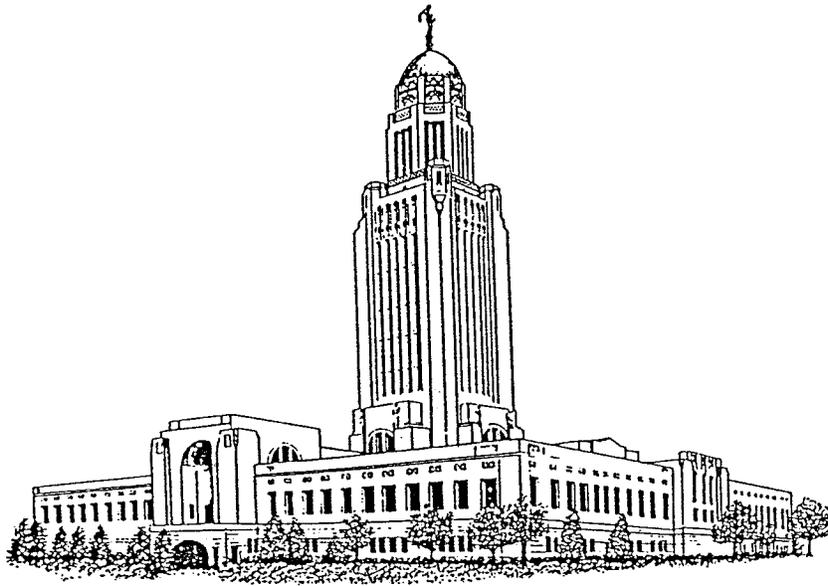


# *The Nebraska Legislative Structure, Process, and Procedures*



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# *The Nebraska Legislative Structure, Process, and Procedures*

## **I. Introduction**

Nebraska has been governed under a one-house, unicameral, legislature since 1937.<sup>1</sup> Representatives of the Unicameral are referred to as “senators” since the Senate was the legislative body retained following the 1937 reorganization. The same legislative chamber used by the Senate during the bicameral years was chosen as the home of the Unicameral Legislature.

Nebraska has the smallest legislative branch in the nation, with 49 senators.<sup>2</sup> Nebraska also enjoys the distinction of having the only non-partisan legislature in the nation. Since the Legislature is nonpartisan, a candidate’s political party is not listed on the election ballot. Instead, the two candidates obtaining the most votes in the primary election face each other in the general election.

Each legislative district in Nebraska serves approximately 32,200 citizens. There are only 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.

The Nebraska Legislature is in session every year. The duration of a legislative session is 60 legislative days (short-session) in even-numbered years and 90 legislative days (long-session) in odd-numbered years. Sessions convene on the first Wednesday following the first Monday in January of each year.

The number of bills introduced each session varies on the length of the session. In long-sessions, about 700 to 800 bills will be introduced. Short-sessions usually generate 500 to 600 bills.

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 committees. Unlike most states, every legislative bill introduced each session in the Nebraska Legislature is given a public hearing. 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.

This document provides a comprehensive examination of the Nebraska Legislature, its structure, its process, and its rules of procedure. All relevant and available authority was used to compile this document, including (i) state laws concerning the operation of the Legislature, and (ii) the official Rules of the Nebraska Legislature. In addition, the document is interspersed with descriptions and interesting side notes on various facets of the legislative operation. The document is intended to be a reference guide for school administrators and other interested parties who wish to better understand the operation of the Nebraska Legislature.

### *Other Resources:*

- Harmon, Robert B. *Government and Politics in Nebraska: An Information Source Survey*. Monticello, Ill.: Vance Bibliographies. 1979.
- Miewald, Robert D., *Nebraska Government and Politics*. Lincoln: University of Nebraska Press. 1984.
- Rogers, James A. "Unicameralism and the Judicial Task: A Public Choice Analysis of Nebraska Constitutionalism." Constitutional Heritage Institute. Nebraska Center for Public Policy. July, 1998.

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<sup>1</sup> Citizens passed an initiative to amend the Nebraska Constitution in 1934, and the first session of the Unicameral Legislature was held in 1937. The initiative was approved by a vote of 286,086 to 191,152.

<sup>2</sup> In 1937, legislative membership decreased from 133 in the old bicameral to 43 in the new single house – nearly a 70 percent reduction. Since 1937, the Unicameral has expanded to 49 senators due to population increases and re-districting.

## II. Legislative Structure

### A. President of the Legislature

**1. Presiding Officer.** The Lieutenant Governor presides as President of the Legislature and chief presiding officer. The President may name any member to perform the duties of the presiding officer in his or her absence, but the Speaker of the Legislature is traditionally the automatic first choice to substitute in this position. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature is as follows:

- *Chair, Executive Board*
- *Chair, Committee on Committees*
- *Chair, Committee on Judiciary*
- *Chair, Government, Military and Veterans Affairs*
- *Chair, Appropriations*
- *Chair, Revenue*
- *Chair, Education*
- *Chair, Banking, Commerce and Insurance*
- *Chair, Natural Resources*
- *Chair, Agriculture*
- *Chair, Health and Human Services*
- *Chair, General Affairs*
- *Chair, Business and Labor*
- *Chair, Urban Affairs*
- *Chair, Transportation and Telecommunications*

**2. Other Duties.** The President of the Legislature is also responsible for signing all bills and resolutions passed by the Legislature prior to being forwarded to the Governor for consideration. All writs, warrants, and subpoenas issued by order of the Legislature are issued and signed by the President. The Lieutenant Governor, when acting as President of the Legislature may vote only when the Legislature is equally divided on a given issue.

### B. Officers and Committee Chairpersons

The first session day of every 90 day (long) session serves as election day for leadership positions in the Nebraska Legislature. Positions of leadership include officers, such as the Speaker, and

chairs of standing, select, and special committees. The election of leaders is a vital part of the legislative process since such leaders will hold their positions for terms of two years (two legislative sessions). Members of the Legislature elect their leaders by two methods depending upon the position.

i. *At large:* The first method is the traditional “at large” system whereby a member is nominated and becomes a candidate for a given position.

ii. *Caucus:* The second method of election is by “caucus” whereby members are divided according to Nebraska Congressional districts. A member is aligned with one of three caucuses depending upon the congressional district his or her state legislative district is geographically situated. Since there are three Nebraska congressional districts, there are three corresponding state legislative caucuses for purposes of electing officers.

**1. Officers to be Elected.** At the commencement of each regular session in odd-numbered years (long-session) the Legislature nominates from the floor and elects by secret ballot the following ten officers who will serve two-year terms:

- *Speaker of the Legislature* (at large)
- *Chairperson of Executive Board* (at large)
- *Vice-Chairperson of Executive Board* (at large)
- *6 Members of Executive Board* (by caucus)
- *Chairperson of Committee on Committees* (at large)

**a. Speaker of the Legislature.** The Speaker represents the legislative branch’s chief spokesperson. The Speaker’s main duty is to preside over the Legislature when the Lieutenant Governor is absent, incapacitated, or is acting as Governor. However, the Speaker also performs a myriad of duties essential to the success of the legislative process.

The Speaker prepares the daily legislative agenda for each day of every legislative ses-

sion. The Speaker, with the approval of the Executive Board, is required to report the order in which bills and resolutions will be considered on General File. The Speaker's order, as approved, is final unless changed by a three-fifths vote of the elected members of the Legislature. (However, general appropriation bills must be given precedence over all other bills.)

The Speaker may postpone the scheduled reconvening of the Legislature for up to 48 hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within a half hour after the time the Legislature was to have convened.

The Speaker is authorized to designate up to five bills or resolutions as "major proposals" during each legislative session. However, 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, the major priority bills or resolutions must be approved by a vote of two-thirds of the Executive Board.

The Speaker enjoys the privilege to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office. He or she also serves as a voting member of the Executive Board and an ex officio member of the Rules Committee. However, the Speaker may not serve as an official member of any standing committees.

Upon the resignation or death of the Speaker, during the interim, the position will remain vacant until the next regular session or special session of the Legislature, at which time a Speaker will be nominated from the floor and elected by secret ballot for the balance of the original term. Upon the resignation or death of the Speaker during the session, a Speaker must immediately be nominated from the floor and elected by secret ballot for the balance of the term.

**b. *Chairperson of the Executive Board.*** The position of chairperson of the Executive Board is afforded special significance within the structure of the Nebraska Legislature. In the absence of both the Lieutenant Governor and the Speaker, the Chairperson of the Executive Board serves as the presiding officer of the Legislature. This position also accepts a supervisory role over various appointed offices of the Legislature, such as the Office of Clerk of the Legislature. Naturally, the main duty of this chairperson is to preside over the Legislature's Executive Board. The Executive Board is required to perform a number of responsibilities that will be discussed later in this document.

**c. *Vice-Chairperson of the Executive Board.*** The Vice-Chairperson of the Executive Board enjoys the distinction of being the only vice chair position to be elected by the entire legislative body. All other vice chair positions are elected from among a given committee. The Vice-Chairperson of the Executive Board would serve as acting Chairperson upon the resignation or death of the Chairperson until the beginning of the next regular session of the Legislature.

**d. *Members of the Executive Board.*** Six members of the Executive Board are elected from the three legislative caucuses (2 from each caucus), subject to approval of the Legislature.<sup>3</sup> During a session, 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. During the interim, 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 Executive Board.

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<sup>3</sup> The Executive Board is one of two committees whereby the members of the committee are elected by caucus, subject to the approval of the entire body. The other committee elected by caucus is the Rules Committee.

**e. 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. The Committee on Committees determines the makeup of each standing committee along with a few other select and special committees. While the membership of the Committee on Committees is chosen by caucus, the chairperson is elected by an at large vote of the Legislature. Since fairness to geographic and demographic interests is vital to the Committee on Committees, its chairperson must also be fair and unbiased as the presiding officer of the committee. The individual holding this position also serves as the presiding officer of the Legislature in the absence of the Lt. Governor, Speaker, and Chairperson of the Executive Board.

**2. Officers to be Appointed.** Upon the recommendations of the Executive Board, the Legislature appoints (hires) the following four officers:

- *Chief Clerk of the Legislature*
- *Assistant Clerk of the Legislature*
- *Sergeant at Arms*
- *Chaplain Coordinator*

**a. Clerk of the Legislature.** The official duties of the Clerk of the Legislature include the attendance at sessions, calling the roll, and keeping journal of proceedings. However, the Clerk's position is perhaps one of the least understood or appreciated positions of the legislative process.<sup>4</sup> The actual scope of the Clerk's duties and responsibilities is enormous, not the least of which is assisting the presiding

officer in maintaining protocol and decorum within the legislative chamber.

The Clerk has traditionally been an attorney skilled in parliamentary procedure. He or she must also know the rules of the Nebraska Legislature in such a thorough manner as to prevent any undue delays during conflicts on procedure during session. It is not at all uncommon for the presiding officer to seek counsel from the Clerk in order to ascertain the appropriate and correct procedure in a given circumstance. In essence, the Clerk helps the presiding officer in maintaining a smooth legislative process.

The Clerk is responsible for the printing of all legislative bills, resolutions, and amendments in as timely manner as possible. He or she must also maintain an accurate record of legislative proceedings in the form of a journal. The Journal is published after each session day in preparation for approval by the body the following session day. In addition to proceedings on the floor, the Clerk's office maintains transcriptions to all proceedings of all committees of the Legislature. His or her office also maintains records of all registered lobbyists.

One of the little known aspects of the Clerk's position is his or her general charge of such parts of the Capitol and its passages as are set apart for the use of the Legislature and its officers and employees. The Clerk is responsible for the distribution of press passes given to members of the media who wish to enter the chamber. The Clerk must also assist the presiding officer in overseeing the entrance and exit of guests on the floor of the Legislature.

**b. Assistant Clerk of the Legislature.** In the

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<sup>4</sup> The Office of the Clerk of the Legislature is the administrative arm of the Legislature. The office maintains official records of all legislative business. These records include: the Legislative Journal, bill indexes, committee hearing schedules, rosters, bill status information, and legislative histories. In addition, the Clerk's Office oversees the production of Legislature's web site, informational brochures, a weekly newsletter (The Unicameral Update) and the *Nebraska Blue Book*. The Clerk oversees a bill room and bill service, from which copies of bills, resolutions, amendments and daily Legislative Journals may be obtained. The Clerk also supervises the legislative pages, 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.

absence of the Clerk, the Assistant Clerk is authorized to exercise all the duties prescribed for the Clerk of the Legislature.

**c. *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. 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 areas due to the red suit jackets worn in tradition of their positions.

**d. *Chaplain Coordinator.*** The Chaplain Coordinator works in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.<sup>5</sup>

**3. Committee Chairpersons.** In addition to the elected and appointed officers, the Legislature also elects chairpersons to sixteen standing and select committees. Like any other legislative body, these positions are very important to legislators since the views of these individuals could shape the future on various legislative issues. Since each chairperson will hold the position for a term of two years, the elections are considerably

important. In most cases, these positions are contested by two or more legislators who are vying for the same position.<sup>6</sup> It is not unusual for members of the Legislature to campaign or at least make known their intent to run among their colleagues.

All chairing positions are elected at large among members of the legislative body on the first day of each long-session.

**a. *Standing Committees.*** Chairpersons elected for “standing committees” of the Legislature include the following fourteen committees:

- Agriculture
- Appropriations
- Banking, Commerce and Insurance
- Business and Labor
- Education
- General Affairs
- Government, Military and Veterans Affairs
- Health and Human Services
- Judiciary
- Natural Resources
- Nebraska Retirement Systems
- Revenue
- Transportation and Telecommunications
- Urban Affairs

**b. *Select Committees.*** Chairpersons elected for “select committees” of the Legislature include the following two committees:

- Enrollment and Review<sup>7</sup>
- Rules

<sup>5</sup> 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.

<sup>6</sup> All at large elections for officers and committee chairpersons are conducted by secret ballot. Before the ballot is taken each person nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office.

<sup>7</sup> The Enrollment and Review Committee is unique in that it is a committee of one member, the chairperson. The “E&R” Chair is also unique by virtue of the necessary qualifications. In a somewhat humorous approach, the youngest member of the Legislature at the time of the election is considered “the natural choice” for the position.

### C. Categories of Committees

*The Nebraska Legislature utilizes three categories of committees: (i) special, (ii) select, and (iii) standing. Each type of committee has its own function within the legislative process and level of authority. Some committees have ex officio (non-voting) members and some committees automatically include one or more members by virtue of their positions on other committees or offices held. The analysis below will examine legislative committees by category, but it is important to note the special characteristics of each committee to understand their function within the legislative process.*

**1. Special Committees.** The Nebraska Legislature uses five special committees, the most well known of which is the Executive Board. In fact, with the exception of the Executive Board, special committees do not have jurisdiction over legislative bills but are still subject to the same procedural rules as other committees.<sup>8</sup> Special committees include the following:

<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

**a. Committee on Building Maintenance.** It is the responsibility of the Executive Board of the Legislature to appoint the six member special committee on Building Maintenance.<sup>9</sup> 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.

**b. 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 selected by the Executive Board.<sup>10</sup> 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.

**c. 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 (long) session of the Legislature.<sup>11</sup> 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.

The duties of the Executive Board include:

- (i) supervision of all services and service personnel of the Legislature, which includes employment of appropriate personnel as may be needed;
- (ii) appoint persons to fill various positions within the Legislative Fiscal Analyst Office and Revisor of Statutes; and

<sup>8</sup> All special committees are created by statute, as opposed to being created by legislative rule.

<sup>9</sup> Citation: Neb. Rev. Stat. §81-185.

<sup>10</sup> §79-1504.

<sup>11</sup> §50-401.01. Since the Legislature is sometimes referred to as the “Legislative Council,” the official name of this committee is the “Executive Board of the Legislative Council.”

(iii) exercise jurisdiction over legislative bills and resolutions and hold hearings regarding legislation concerning the operation or structure of the Legislature.<sup>12</sup>

An important note concerning the Executive Board is that it functions on an ongoing basis, whether or not the Legislature is in session. Since the administration of the Legislature is a year-round operation, the Executive Board and its Chairperson are continually confronted with administrative decisions and activities.

**d. 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.<sup>13</sup>

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).

The Committee on Intergovernmental Cooperation of the Legislature 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.

**e. Legislative Program Evaluation Committee.** The five-member committee is composed of the chairperson of the Executive Board, the chairperson of the Appropriations Committee, and three other members of the Legislature to be chosen by the Executive Board.<sup>14</sup> 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.

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<sup>12</sup> Perhaps the most important employee hired and supervised by the Executive Board is the Clerk of the Legislature. However, in the case of the Clerk, the Legislature must also approve the recommendation of the Executive Board.

The Legislative Fiscal Analyst Office prepares "fiscal notes" on all legislative bills that may have a cost associated with the mission of the legislation. The Office of Revisor of Statutes is ordinarily referred to as the bill drafters office. The bill drafters not only draft legislation as directed by senators and state agency directors, but it also codifies all legislation passed and signed into law.

The Executive Board also has jurisdiction over "revisor bills" that are forwarded by the Office of Revisor of Statutes in order to eliminate obsolete language in law, provide revisions to citations in law, etc. These bills are the first bills to be filed each session.

<sup>13</sup> Citation: Neb. Rev. Stat. §§81-816 to 81-824.

<sup>14</sup> §50-1204.

**2. 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 Legislative Rule. The select committees include:

<i>Committee</i>	<i>Members</i>
Committee on Committees.....	13
Enrollment and Review.....	1
Reference.....	9
Rules.....	6
Investigative Committees .....	(as needed)

**a. Committee on Committees.** The Committee on Committees is one of two unique select committees due to the manner in which members of the committee are elected. While the chairperson is elected at large by the entire legislative body, the twelve members of the committee are elected by caucus (four members from each of three caucuses). 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.<sup>15</sup>

Immediately following election of a chairperson and members of the Committee on Committees (on the first day of each 90-day sessions), the Committee meets and, by a majority vote, submits to the Legislature a preliminary report of appointments to the remaining standing and select committees. On the following day the Committee on Committees meets again to submit to the Legislature a final report for its approval, appointments to the standing and select committees. 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 of the Committee on Committees, the report is returned to the Committee for further action.

During a session, all vacancies on standing or select committees created by the death or resignation of a member are filled by a majority vote of all members of the Committee on Committees.<sup>16</sup> However, during the interim period, all vacancies on standing or select committees created by the death or resignation of a member are filled by a majority vote of all members of the Executive Board.

One of the little known facts about the Committee on Committees is that it serves as the “policing” arm of the Legislature in cases where a complaint is brought by one legislator against a committee chairperson. The Committee on Committees is responsible for hearing and disposing of all written complaints filed by a senator against any committee chairperson. Any such hearing is conducted in accordance with its own rules.

**b. 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 the necessary qualifications to hold the office. In a somewhat humorous approach, the youngest member of the Legislature, at the time of the election, is considered “the natural choice” for the position.

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

<sup>15</sup> The Committee on Committees only selects members of select and standing committees, not committee chairpersons.

<sup>16</sup> A vacancy within the Committee on Committees is filled by a meeting of the appropriate caucus.

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.<sup>17</sup>

**c. Reference Committee.** One of the common questions asked of any legislative process is how a certain bill arrives at a certain committee for hearing and disposition. In the Nebraska legislative process, the Executive Board constitutes 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).

The determination of the “appropriate committee” is that committee which has “subject-matter jurisdiction” over the issue contained in the bill or resolution or which has traditionally handled the issue in the past.

The Reference Committee also initially handles all nominations made to the Legislature by the Governor, which require confirmation by the Legislature. In such cases, the Reference Committee refers the nomination to the appropriate standing committee. The standing committee then holds a hearing on the nomination and disposes of the matter by making or denying a recommendation for confirmation.<sup>18</sup>

**d. Rules Committee.** Some of the most heat-

ed 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 actual Rules of the Legislature have changed very little over recent years. However, whenever a rule change is proposed for consideration by the legislative body, it was presented for consideration by the Rules Committee.

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.

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. If the Rules Committee, by majority vote, approves any submitted recommendations, then the same are forwarded to the legislative body for consideration.

**e. 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.

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<sup>17</sup> In the absence of the E&R Chairperson, the Vice Chairperson of the Judiciary Committee assumes the duties of the E&R Chairperson.

<sup>18</sup> The Office of the Clerk of the Legislature is responsible for the collection of pertinent information on gubernatorial appointments. The information is distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk’s office also serves as the “depository” for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair deems appropriate for the committee to have on hand during the confirmation process.

**3. Standing Committees.** Standing Committees are the most well known of committees since the media and the public often attend public hearings held by such committees. There are fourteen standing committees each with its own subject matter jurisdiction. A committee’s subject-matter jurisdiction extends to all matters reasonably comprehended in the name of the committee. A committee’s particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final disposition of the measure has been made by the committee to the Legislature. Most of the standing committees are comprised of eight members, including the chairperson. However, some of the committees have as few as six members and as many as nine members. Those committees with fewer than eight members often those committees that are referred the fewest bills and resolutions during session.

The standing committees of the Legislature are as follows:

<i>Committee</i>	<i>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

**a. 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.

**b. Appropriations Committee.** The Appropriations Committee is the only standing committee comprised of nine members. The Appropriations Committee reviews all appropriations bills, capitol construction, senators’ salaries, salaries of constitutional officers, deficiency appropriations for special purposes or projects, creation of special funds, and exchanges between or disbursements from various funds.

The Appropriations Committee has the awesome task of reviewing the Governor’s biennial state budget, making recommendations, and submitting a final proposal to the full Legislature. The biennial budget is proposed during odd-numbered (90-day) sessions.

**c. 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.

**d. Business and Labor Committee.** The Business and Labor Committee is one of three standing committees that is 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 regulations, labor conditions, claims against the State, wages and hours, the Nebraska Elevator Code, etc.

**e. 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, voca-

tional technical schools, public school funding, the State Board of Education and the Department of Education, NETV, ESUs, etc.

**f. *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.

**g. *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.

**h. *Health and Human Services.*** Although often receiving a very high 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.

**i. *Judiciary Committee.*** The Judiciary Committee consists of eight members and has the distinction of 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.

**j. *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.

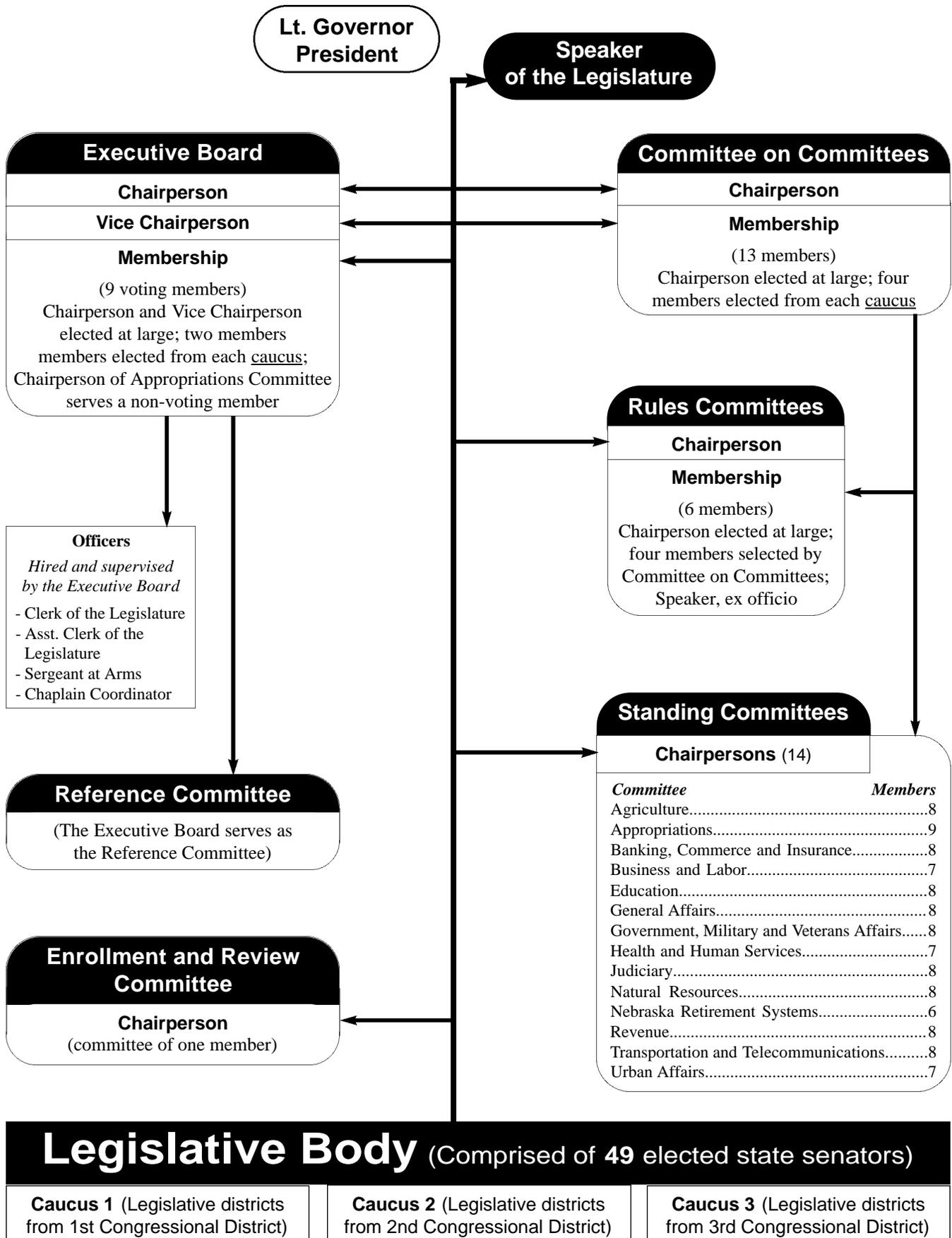
**k. *Nebraska Retirement Systems Committee.*** The smallest standing committee is the Nebraska Retirement Systems Committee, which is comprised of six members. There are so few legislative measures assigned to this committee that the committee has no regular schedule during each session. The committee meets as needed to hold public hearings and to hold executive sessions. The committee reviews all legislation relevant to public employees' retirement legislation.

**l. *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.

**m. *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.

**n. *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.

# Graph A: Structure of the Nebraska Unicameral Legislature



## III. Legislative Process

### A. Introduction of Bills

*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 legislative measures must be drafted and introduced within the first ten session days.*

**1. Drafting of Bills.** The Revisor of Statutes or (Bill Drafters) are required to prepare all bills, resolutions, and amendments in proper form when requested by members of the Legislature or heads of executive departments. Bill drafting is an ongoing process. In fact, a request to have a bill drafted could occur at any time of the year, whether or not the Legislature is in session. 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.<sup>19</sup>

**2. Content of Legislative Measures.** A bill or resolution may contain no more than one subject, which must be clearly expressed in the title.<sup>20</sup>

**3. Introducers and Cointroducers.** A member may introduce only 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.<sup>21</sup>

A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided the bill receives the endorsement of a majority of the committee members whose names must be on the bill. Each committee is limited to eight bills each session. Note: Bills introduced at the request of the Governor will not be included in the limitation.

**4. Numbering.** The introduction of bills and resolutions runs in a two-year cycle. The cycle begins in odd-numbered years (90-day session) at which time the first “Legislative Bill” or “LB” number begins at “1” (e.g., LB 1) and the first introduced “Legislative Resolution” or “LR” number begins with “1” (e.g., LR 1).<sup>22</sup>

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<sup>19</sup> In order to shorten the length of sections, the Bill Drafter will, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice.

<sup>20</sup> A “subject” is sometimes loosely interpreted to mean a broad scope within a given field of interest.

<sup>21</sup> In other instances, it is the principal introducer who seeks cointroducers by personally requesting a given member to “sign onto” their proposal. It is generally believed that the more cointroducers the better the chances of successfully passing the legislation. Naturally, if 25 or more legislators sign onto a bill, it would seem likely that the measure would succeed. However, there is no “sure thing” in the legislative process. The bill must still adhere to the legislative process, which includes initial scrutiny by the appropriate standing committee.

<sup>22</sup> The first few Legislative Bills are typically revisor bills that are brought forward by the Executive Board to edit, correct spelling/grammar, and correct citations of existing law. These bills have no substantive merit, only technical cleanup. Legislative Resolutions take on a number of different forms depending upon the intent of the introducer. A resolution could be as simple as congratulating a local school for winning a state championship or to expressing the sympathy for the death of a well-known individual. This form of resolution is immediately advanced to General File for consideration and approval. If a resolution seeks to amend the State Constitution, it is introduced as a “Legislative Resolution Constitutional Amendment” or “LR CA”. This form of resolution must be referred to the appropriate standing committee for consideration and must pass all stages of debate. Another form of resolution is an “interim study” which is typically filed toward the end of a session for the purpose of studying a particular issue during the interim period.

Bills and resolutions introduced in even-numbered years (60-day session) numerically begin with the number following the number of the last bill or resolution introduced in the preceding regular session.<sup>23</sup>

**5. Reading Title of Bills and Resolutions.** The title of every bill and resolution must be read aloud on the floor of the Legislature by the Clerk. 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 advanced to the Reference Committee for referral.

**6. Referral Process.** The Executive Board acts 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 to which he or she wishes to review the measure. In most cases, the content of the legislative measure is easily distinguishable as to the subject matter jurisdiction and corresponding standing committee. 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 or resolution to the appropriate standing committee.<sup>24</sup>

**7. Objection to Reference of Measures.** Any member may object to the reference of any bill or resolution. If it is the case of a simple error by the Reference Committee, the Legislature may correct

the referral by unanimous consent. If the referral was the careful and considered judgment of the Reference Committee, a member may move to change the referral by having the motion approved by a majority vote of the Legislature.

**8. Withdrawal of Bills.** No bill or resolution, having been introduced, may be withdrawn except upon motion of the introducer with the consent of his or her cointroducers. However, the motion may not be considered by the Legislature until the next succeeding legislative day. Upon a majority vote, the measure can be withdrawn.<sup>25</sup>

**9. Statement of Intent.** The introducers of all legislative bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's public hearing. The statement of intent should clearly outline the purposes and effects of the bill.<sup>26</sup>

## B. Standing Committees

*Once a given legislative measure has been introduced and referred, the measure is given over to the authority of the chosen standing committee. Each standing committee is authorized to hold public hearings, to meet as needed in executive session, to require by subpoena the attendance of witnesses and the submission of documents, and to take action on legislation within its control.*

**1. Committee Rules.** A committee may adopt the Model Committee Rules as the rules to be used in governing the committee's activities. These

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<sup>23</sup> Bills and resolutions introduced in any special session start with the number "1".

<sup>24</sup> Once the title of a measure is read and the measure has been referred by the Reference Committee, the Clerk directs his/her office to have the measure printed. Since there are so many bills and resolutions to be printed, it may take up to several weeks before a citizen can obtain copies.

<sup>25</sup> 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.

<sup>26</sup> In practice, statements of intent are typically so general that little can be drawn from them except the very basic purpose of the legislation.

rules may be augmented to suit the purposes of each committee.<sup>27</sup>

**2. Meeting Times.** The Committee on Committees publishes a schedule of standing committee meetings in order to avoid conflicts in the assignment of members to committees (see next page for schedule). All standing committees meet at 1:30 p.m. (CST) on specified week days, unless otherwise approved by the Legislature. The only exception to this rule is the Nebraska Retirement Systems Committee which meets according to the call of the chairperson.<sup>28</sup>

**3. Vice-Chairperson.** While the chairperson of each standing committee is selected by secret ballot on the floor, each standing committee's vice-chairperson is elected from among the membership of each committee. The vice-chairperson will serve in the absence of the chairperson.

**4. Committee Quorum.** A majority of the committee's membership constitutes a quorum. A quorum must be present for the transaction of all committee business, except a public hearing.<sup>29</sup>

**5. Temporary Appointments.** When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, may request that the vacancy be filled by the Committee on Committees.<sup>30</sup>

**6. Public Hearings.** One of the relatively unique features of the Nebraska legislative process is the fact that every legislative bill and resolution referred to a standing committee will have a public hearing. In fact, no action can be taken on a given measure by a committee until a hearing is held.

**a. Notice.** A committee must give 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.

**b. Testimony.** On the appointed date of the hearing, all proponents and opponents are invited to present testimony on the bill or resolution. In addition, those wishing to present neutral testimony may do so following proponent and opponent testimony.<sup>31</sup>

**c. Questioning.** Any member of the standing committee may ask a witness questions to further probe the insight and knowledge of the witness.<sup>32</sup>

**d. Time Limits.** It is not uncommon for a chairperson to place a limit on a given hearing due to time constraints for the committee. In most cases, a committee will conduct more than one hearing on each committee meeting day.

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<sup>27</sup> See Appendix to view Model Committee Rules.

<sup>28</sup> All committees are subject to the call of its chairperson or to the call of a majority of its members in order to meet as necessary.

<sup>29</sup> The Rules of the Legislature provide that a quorum of a standing committee should be maintained throughout all public hearings. In practice, however, this is a fairly difficult proposition since legislators need to attend other hearings to introduce and speak on behalf of their bills and to meet with constituents as needed.

<sup>30</sup> A temporary appointment may be made by the Chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. The temporary appointee will have the right to vote only on the bill or bills that actually have been heard by the appointee. When the appointment is made in the case of an incapacitated member, the appointee will cease to be a member of the committee upon the return of the incapacitated member.

<sup>31</sup> State officials and department heads or their designees are encouraged to appear before standing committees to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

<sup>32</sup> The questions should be intended to gain a clearer understanding of the perspective of the witness and not to serve as harassment of the witness.

### Graph B: *Regular Meeting Days for Standing Committees\**

Room Number	Monday	Tuesday	Wednesday	Thursday	Friday
1003			Appropriations	Appropriations	Appropriations
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
1524	Appropriations	Appropriations	Revenue	Revenue	Revenue
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). The Nebraska Retirement Systems Committee has no set day or time for hearings. The committee meets as needed.

#### 7. Consideration of Bills and Resolutions.

After the public hearing for a given bill, a committee has four options available to it in terms of disposition of the bill:

**a. Advance to General File.** The committee could advance the measure to the first stage of debate, referred to as General File, without suggesting any changes to the original bill or resolution.

**b. Advance to General File with Amendments.** The committee may choose to advance

the bill with amendments attached for consideration by the Legislature. Amendments can arise for a number of reasons.<sup>33</sup>

**c. Indefinitely Postpone.** Also known as “IPP” or “killing” a bill, the committee may indefinitely postpone a measure.<sup>34</sup>

**d. Hold.** A committee may also hold a bill without taking any other action. If the committee holds the measure through the end of a 90-day session, the measure automatically “carries over” to the following 60-day session (the fol-

<sup>33</sup> The amendments may serve as a compromise solution between members of the committee or between interest groups. The amendments may be technical in nature due to errors in the original legislation. The amendments may also be entire rewrites of the legislation if the committee so chooses. The committee also uses amendments to attach other bills, or parts of bills, to the bill being advanced.

<sup>34</sup> *Motion to Raise:* An indefinitely postponed bill may be “brought back to life” and placed on General File or referred back to committee by a three-fifths vote of the Legislature so long as the motion is made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the Legislature if the motion is made more than three legislative days after the committee report. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it will be deemed defeated.

lowing year). Carry over measures remain viable pieces of legislation and may be acted upon 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 from a 60 to a 90-day session.<sup>35</sup>

**8. Executive Sessions.** Standing committees typically consider the fate of legislation in executive session.<sup>36</sup> During executive session, members of the committee may discuss and vote on any bill that has had a public hearing. To take action on a measure, a majority of the committee must vote in favor of the motion made (whether the motion is to IPP or advance). If the committee votes to advance or IPP, and the vote carries, the action is considered final. However, a committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature.<sup>37</sup>

**9. Committee Statement.** If a committee acts upon a measure (e.g., advance to General File or indefinitely postpone), a committee must provide a report to the Legislature within eight calendar days after the committee has taken final action.

The report is known as a “committee statement.”<sup>38</sup> The committee statement must contain the following information: (1) the one-line title and number of the measure; (2) a roll call vote of final committee action taken on the measure; (3) the date of the public hearing on the measure; (4) a list of all individuals providing proponent, opponent, and neutral testimony, and the organization they represent; (5) a summary of the measure’s purpose and a description of all amendments, if applicable.<sup>39</sup>

**10. Status Report from Committee.** Except for general appropriation (budget) bills necessary for the support of state government, the Legislature may, by a majority vote, request a “status report” from any standing committee at any time after the committee has had possession of a bill or resolution for at least twenty legislative days.

**11. Action from the Floor.** Any legislator may move that a measure be placed on General File twenty calendar days or more after its public hearing, so long as at the time of the motion the respective committee has not taken final action on the measure. The motion must be approved by a majority of the Legislature.<sup>40</sup> Any time any member attempts to take a measure from committee to

<sup>35</sup> It is important to remember that the legislative process operates in a two-year cycle. Each two-year cycle has a 90-day session and a 60-day session.

<sup>36</sup> An executive session is considered that portion of any meeting which is closed to the general public, except the news media. The proceedings of an executive session are usually not recorded for transcription.

<sup>37</sup> If the committee votes on a motion for disposition of the measure and the vote is a tie, the committee is considered to be “deadlocked”. A tie vote in committee is not considered final and, therefore, additional votes may be taken on the disposition of the measure.

<sup>38</sup> A copy of the proposed statement must be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first debate of the bill on General File.

<sup>39</sup> A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

<sup>40</sup> Final action taken by the committee following such a motion and prior to when debate is initiated on the motion will take precedence over such a motion. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker must accept the motion and compel the chairperson to file the committee’s report on the matter.

be placed on General File, the measure will stand indefinitely postponed and will not be subject to reconsideration if the motion fails to receive a majority vote of the Legislature.<sup>41</sup>

**12. Subpoena Procedure.** 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 should not be exercised unless the committee has determined that no other method of securing the desired witness or information is available to it. The procedures for issuing a subpoena are quite complex and lengthy, so it is not the preferred method of any committee. (A complete disclosure of the procedures to issue a subpoena is provided in the Appendix of this document.)

*Note to Reader: At this stage of the legislative process, measures are introduced, referred, and public hearings are held by standing committees. The next stage of the legislative process is consideration by the full Legislature on General File. However, prior to addressing the procedures on General File, it would be helpful to understand: (1) the system of prioritization of measures; (2) the purpose of fiscal analysis in the legislative process; (3) distinguishing characteristics of certain types of legislative measures.*

### C. Priority Measures

*Since there are so many bills and resolutions introduced each session, the Legislature was compelled to develop a system to narrow the focus of*

*legislative sessions to the most important or pressing issues of the day. The system employed by the Legislature is a process of designating priority measures (both bills and resolutions) that will have precedence over other non-prioritized measures during the session.*<sup>42</sup>

**1. Ranking System.** Within the priority system, there is included a ranking of priority measures based upon who prioritizes the measure. The ranking of priority measures is as follows:

- (i) Speaker major proposals;
- (ii) individual senator priority measures;
- (iii) standing committee priority measures; and
- (iv) Speaker priority measures.

**2. Procedures for Designation.** Priority measure designations may be made at any time prior to the annual designation deadline that is set each year by the Speaker. However, the designation deadline must be prior to the 45th legislative day in the 90-day sessions and prior to the 30th legislative day in the 60-day sessions.

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.

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.

**3. Consideration.** Priority measures will generally be considered ahead of all other bills at each stage of debate. Priority measures requiring the expenditure of appropriated funds will be held on Final Reading (the final stage of debate) until such time as the annual appropriations bills have been passed. A priority bill, which fails to advance after two votes on General File, or after one vote on

<sup>41</sup> The introducer of the measure must concur with any motion offered under this rule.

<sup>42</sup> All bills not designated as priority bills will be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular measure.

Select File, will return to non-priority status. No priority bill designated under this rule shall have priority over appropriations bills.

#### 4. Categories of Priority Measures.

**a. Speaker Major Proposals.** The Speaker is authorized to designate up to five bills or resolutions as “major proposals” during each legislative session. However, 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, the major priority bills or resolutions must be approved by a vote of two-thirds of the Executive Board.

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. The Speaker may also require the committee to take action on the measure in order that it is not delayed in the legislative process.

Since the Speaker sets the daily agenda, he or she can determine the scheduling of the major proposal(s) and the order of amendments and motions to be considered.<sup>43</sup>

**b. Senator Priority Measures.** Each senator may designate one bill or resolution as a priority measure. Senator priority measures need not be introduced by the designator, but the principal introducer must concur with the designation as a priority measure. The introducer must also concur with the withdrawal of the designation once made. Senator priority measures are really the key to the priority system since even the Speaker major proposals are based upon senator priority measures.<sup>44</sup>

**c. Committee Priority Measures.** Each chairperson of those committees, which are authorized to hold public hearings on legislative measures, may designate up to two committee priority measures. 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.

**d. Speaker Priority Measures.** In addition to the major proposals, the Speaker may designate up to twenty-five priority measures. These non-major Speaker priority measures are usually so far down the ranking of priority measures that very few are actually debated.<sup>45</sup> The Speaker may designate any bill or measure as one of his/her Speaker priority measures.

### D. Fiscal Analysis

*A copy of every bill introduced is automatically transmitted by the Clerk to the Office of the Legislative Fiscal Analyst. The Office of the Legislative Fiscal Analyst reviews each bill and produces an estimate of the anticipated change in state or political subdivision expenditures. The office then prepares a statement to be known as a “fiscal note” to be attached to each bill prior to its public hearing by a standing committee. The fiscal note must set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst.*

*No bill, which has a fiscal impact, may be heard by a committee or considered on General File unless the fiscal note is attached.*

**1. Initial Determination.** In determining the fiscal impact of any bill, the Legislative Fiscal

<sup>43</sup> Speaker major proposals are a relatively new addition to the priority system. The rule was adopted in 1996 because of concerns that even senator priority measures may not be debated due to lack of time in a session.

<sup>44</sup> With potentially 49 senator priority measures each session, a majority of the Legislature’s floor debate time will be used to consider these measures. In most cases, the Legislature will barely have sufficient time to review and pass judgment on senator priority measures alone.

<sup>45</sup> The Speaker must give precedence to all other priority measures before these priority measures can be debated.

Analyst will request 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.<sup>46</sup> 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.

**2. Revisions to Note.** When amendments to a bill are adopted by the Legislature and the amendments might change the fiscal impact of the bill, the appropriate changes must be made and a revised fiscal note submitted to the Clerk.

## E. Distinguishing Characteristics of Certain Legislation

*There are certain bills that have unique characteristics attached to them and also have special rules.*

**1. Governor's Budget Bill.** At the beginning of each biennium (90-day sessions), the Governor is constitutionally required to prepare and produce a proposal for the state budget for the ensuing biennium period. The actual budget proposal is divided into several budget bills that, by rule of the Legislature, are introduced by the Speaker of the Legislature at the request of the Governor.

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 peri-

odically 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.

**2. Appropriations Bills.** Whenever a bill proposes adoption of a new program or change of an existing program which would require an appropriation to implement in the ensuing fiscal year(s), an appropriation ("A") bill is prepared from the information contained in the corresponding fiscal note. Appropriation bills are prepared at the direction of the Chairperson of the Appropriations Committee and placed on General File when the corresponding "original" bill is placed on General File. The "A" bill accompanies the original 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.

**3. Public Retirement Bills.** Any bill proposing a structural change which impacts the benefits or funding status provided under a public retirement plan, must be introduced during 90-day sessions. In addition, no retirement legislation can be introduced without an accompanying actuarial report which outlines the expected cost of the proposal.<sup>47</sup>

## F. General File

*Upon a vote of the respective standing committee, a bill or resolution is advanced to General File, the first stage of consideration by the entire Legislature.<sup>48</sup> The Clerk of the Legislature is re-*

<sup>46</sup> If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, an unofficial summary of all available fiscal information on the bill must be presented to the principal introducer by the deadline.

<sup>47</sup> Actuarial studies are usually 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.

<sup>48</sup> Measures will be listed and considered on General File in the order in which they are reported from the standing committees, except as modified by the Speaker.

*quired to 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.*<sup>49</sup>

**1. Introduction.** Following the reading of the title of the measure, the introducer will first be recognized for up to ten minutes to explain the purpose of the measure. The act of “selling” the legislation to his or her colleagues is one of the most important elements of the legislative process. The introducer must obviously know the legislation well enough to make it understood to all members even if a given member has little prior knowledge of the issue contained in the legislation. The ten minute introduction will be uninterrupted by questions and comments from other legislators, but the introducer must be on hand to answer questions throughout the debate process in order to have a chance of success.

If there are no committee amendments attached to the measure, the debate process will begin immediately after the introducer’s introduction.

**2. Committee Amendments.** If the legislation was advanced to General File with committee amendments attached by the respective standing committee, the committee chairperson will usually be asked to explain the amendments after the introducer’s introduction. In fact, the first item of business on a measure, with committee amendments attached, is the amendments themselves.

After discussion and debate of the committee amendments, any senator may “call the question”

in anticipation of a vote on the attached amendments. If the question is successfully called, by a show of five hands in support of the call, the committee chairperson may “close” on the issue by urging “adoption” of the amendments. If the amendments are adopted by a majority vote of the Legislature, the amendments become a part of the original legislation and debate can then ensue on the merits of the measure as a whole. If the amendments are not adopted, the legislation may still be debated but not necessarily with the support of the majority of the committee which advanced the measure in the first place.

In addition to the committee amendments, any senator may move to “amend the committee amendments” by filing amendments in advance or by filing a “floor amendment” during the actual debate. In such cases, the amendments to the committee amendments must first be considered and voted upon.<sup>50</sup>

**3. Other Amendments.** Even after the Legislature adopts the committee amendments, if applicable, any member of the Legislature may move to amend the legislation at any time of debate on General File.

**4. Vote to Advance.** At any time after sufficient debate on the legislation and when no other amendments are pending, a legislator may call the question for closure on the matter.<sup>51</sup> If the call for question is successful, the introducer may rise to close on the debate and urge his or her colleagues to support the measure. If no other subsequent priority motions are made, the vote is taken and a simple majority of the Legislature will effectively advance the measure to Enrollment and Review

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<sup>49</sup> A bill will not be read section by section unless requested by a member of the Legislature. 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 large role in the effort to keep the senator informed.

<sup>50</sup> If the introducer files amendments to the committee amendments, those amendments will be considered first.

<sup>51</sup> If the call for question is made too soon, the presiding officer may declare that the length of debate has been insufficient to make an intelligent decision on the matter.

Initial.<sup>52</sup> Any measure failing to receive a majority vote to be advanced to Enrollment and Review Initial after three attempts will be indefinitely postponed.

## G. Enrollment and Review Initial

*If a measure is successfully advanced from General File, it will appear in what might called a “holding stage” known as Enrollment and Review (E&R) Initial. The purpose of this sub-stage of the legislative process is to refer the legislation back to bill drafters for inspection and assimilation of adopted amendments into the original legislation. If the bill drafter makes any recommendations relative to arrangement, phraseology, or grammar, the suggestions will be placed in the form of E&R amendments. These amendments will be the first item of business when the bill is debated on Select File, the second stage of consideration.*

## H. Select File

*The second stage of consideration is referred to as Select File.*

**1. E&R Amendments.** The first course of action on Select File is to adopt any applicable E&R amendments. This is almost always a formality process 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.

**2. Other Amendments.** If any amendments were filed between General File and Select File, those amendments will be debated and considered on Select File. All such amendments require a majority vote for adoption.<sup>53</sup>

**3. 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. Any measure failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts will be indefinitely postponed.

## I. Enrollment and Review Final

*Once a measure passes on 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 to make technical changes.*

## J. Final Reading

*The last stage of consideration in the legislative process is Final Reading. Typically, there is little to no debate or introduction of amendments at this stage. In most cases, the bill or resolution is read and a vote is taken.*

**1. Return to Select File.** If a legislator desires to amend a measure on Final Reading, the legislation

<sup>52</sup> Definition of Cloture: At any stage of consideration the principal introducer, or a cointroducer with the consent of the principal introducer, may move for a “cloture” to the presiding officer after a specific number of hours of debate on the measure at each stage of consideration. Cloture is a parliamentary action to cease debate on a measure and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

<sup>53</sup> Amendments that are substantially the same as any measure, which had previously been indefinitely postponed, will require a three-fifths vote of the elected members.

must first be “returned to Select File.”<sup>54</sup> On a motion to return a measure to Select File for a specific amendment, a majority of the members must concur. No other amendment may be considered when the legislation is returned. If the motion to return is successful, the measure is officially returned to Select File and the Legislature can address the proposed amendment. After sufficient debate, the body can adopt the amendment by a majority vote.<sup>55</sup>

If the amendment fails, the legislation may move back to Final Reading immediately upon the concurrence of a majority of the members. Once the measure is returned to Final Reading, a final vote may be taken. If the amendment succeeds, the measure returns to Enrollment and Review Final for engrossment.<sup>56</sup>

A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a measure to Select File for specific amendment. The presiding officer must then determine if the amendment is, in fact, germane. If the amendment is not germane to the purpose of the measure, the motion to return will fail unless the presiding officer is overruled.

**2. Procedure.** A piece of legislation may not be considered on Final Reading until at least five legislative days have passed since the measure was introduced. The purpose of this rule is to prevent an overly quick legislative process. This rule can

be suspended in extraordinary circumstances.

A measure must “lay over” at least one legislative day after it has been referred to Final Reading form Enrollment and Review Final. Once again, the purpose of this rule is to give legislators at least one day notice that the measure is on Final Reading. This rule can also be suspended if necessary.

On Final Reading the measure will be read aloud before the vote is taken, unless three-fifths of the members vote to dispense with the “at large” reading.<sup>57</sup> The Speaker will designate, on the published agenda, which measures will be considered for a vote without an at large reading. If the Legislature confirms the Speaker’s designation, the title of the measure will be read, and the final vote will be taken. If the motion on any measure fails to receive the support of three-fifths of the members, the measure will be read at large prior to the vote being taken.<sup>58</sup>

A unique characteristic of Final Reading, compared to other stages of consideration, is the rule that members must remain seated at their designated desk during the process.

**3. Emergency Clause.** All legislative bills on Final Reading require a simple majority vote of the elected members of the Legislature to pass, except if the measure contains the “emergency clause.” If a measure contains the emergency (“E”) clause, it is the intent of the introducer to make the legisla-

<sup>54</sup> The reason for returning a measure to Select File is fairly simple. If an amendment is adopted, it must be engrossed into the legislation by bill drafters. Therefore, it is necessary to return the measure so that it can then be brought forward once again to Final Reading.

<sup>55</sup> The exception to this rule is when the amendment is substantially the same as any measure which has been indefinitely postponed. In such cases, the adoption of the amendment would require a three-fifths vote of the members.

<sup>56</sup> A legislator’s intent in moving to return a measure to Select File for specific amendment varies. In most cases, the introducer or the chairperson of the respective standing committee discovered an error which needs to be corrected or perhaps a specific provision needs to be changed for some reason. 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.

<sup>57</sup> Those measures that are unusually lengthy are proposed for the motion to dispense with the reading aloud.

<sup>58</sup> It is important to note that any “reading” of a measure aloud is done by the Clerk or his or her designee. The reading is done so rapidly that it is usually unintelligible. There are two basic reasons for the “speed” reading method. First, members are expected to have read the legislation prior to Final Reading. Second, if a normal rate of reading aloud occurred on each measure on Final Reading, the legislative process would be significantly delayed.

tion effective as soon as possible. Assuming the legislation passes with the E-clause attached, the exact effective date of the legislation will depend upon the Governor. If the Governor signs the legislation into law, the measure becomes effective, or operative, one day after the Governor affixes his or her signature. If the Governor vetoes the measure and the Legislature overrides the veto, the measure (with the E-clause attached) would become effective one day after the presiding officer signs the measure into law.

A measure with the E-clause attached requires a two-thirds vote (33 votes) to pass. 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.

**4. Forward to Executive Branch.** If a legislative bill passes on Final Reading, it is signed by the presiding officer 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 presiding officer and forwarded to the Secretary of State, the chief election officer, so that the measure can become a part of the designated popular ballot.

## K. Gubernatorial Action

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

**1. 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 could (i) sign the bill into law, (ii) veto the measure, or (iii) take no action which will cause

the bill to become law after the five-day consideration period.

**2. 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 that are unacceptable which, if uncontested by the Legislature, would leave those portions of the bill not line-item vetoed to become law.

**3. Signing into Law.** If the Governor signs a bill into law, it becomes effective on either the operative date(s) specified in the measure or (if no operative date is specified in the bill) exactly ninety days after the end of the session. If the bill contains the emergency clause, the measure becomes operative one calendar day after the Governor signs it into law.

**4. Gubernatorial Veto and Line-Item Veto.** Upon receipt of a message from the Governor announcing his/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. The Legislature must decide upon the motion no later than five legislative days after receipt of the message.

A three-fifths vote of the elected members is required to override a gubernatorial veto. If the motion to override is unsuccessful, the measure will stand as vetoed or partially vetoed.

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 Chair 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 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.

## IV. Legislative Procedures

### A. Methods of Voting

**1. Voice Vote.** The standard rule concerning votes on the floor of the Legislature is that votes are taken “viva voca” (voice vote) unless otherwise provided in the rules. In practice, this usually translates to minor motions and issues by voice vote and major items of consideration by “machine vote.”

**2. 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 such a method is requested by a member or if the presiding officer is in doubt of a voice vote. On a regular machine vote, only the totals will be printed in the Journal. Whenever the “ayes” and “nays” are taken by machine vote, no member may be permitted to vote after the result of the vote is announced by the presiding officer or the Clerk.

**3. 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 order. 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.<sup>59</sup>

### B. Motions

**1. Priority Motions.** When a question is under debate, no other motion may be considered except one of the following “priority motions” (in order of priority): (i) move to recess; (ii) move to adjourn; (iii) move for cloture; (iv) move to reconsider a vote; (v) move for the previous question; (vi) move to postpone to a time certain; (vii) move to recommit to a committee; (viii) move to amend; and (ix) move to postpone indefinitely.

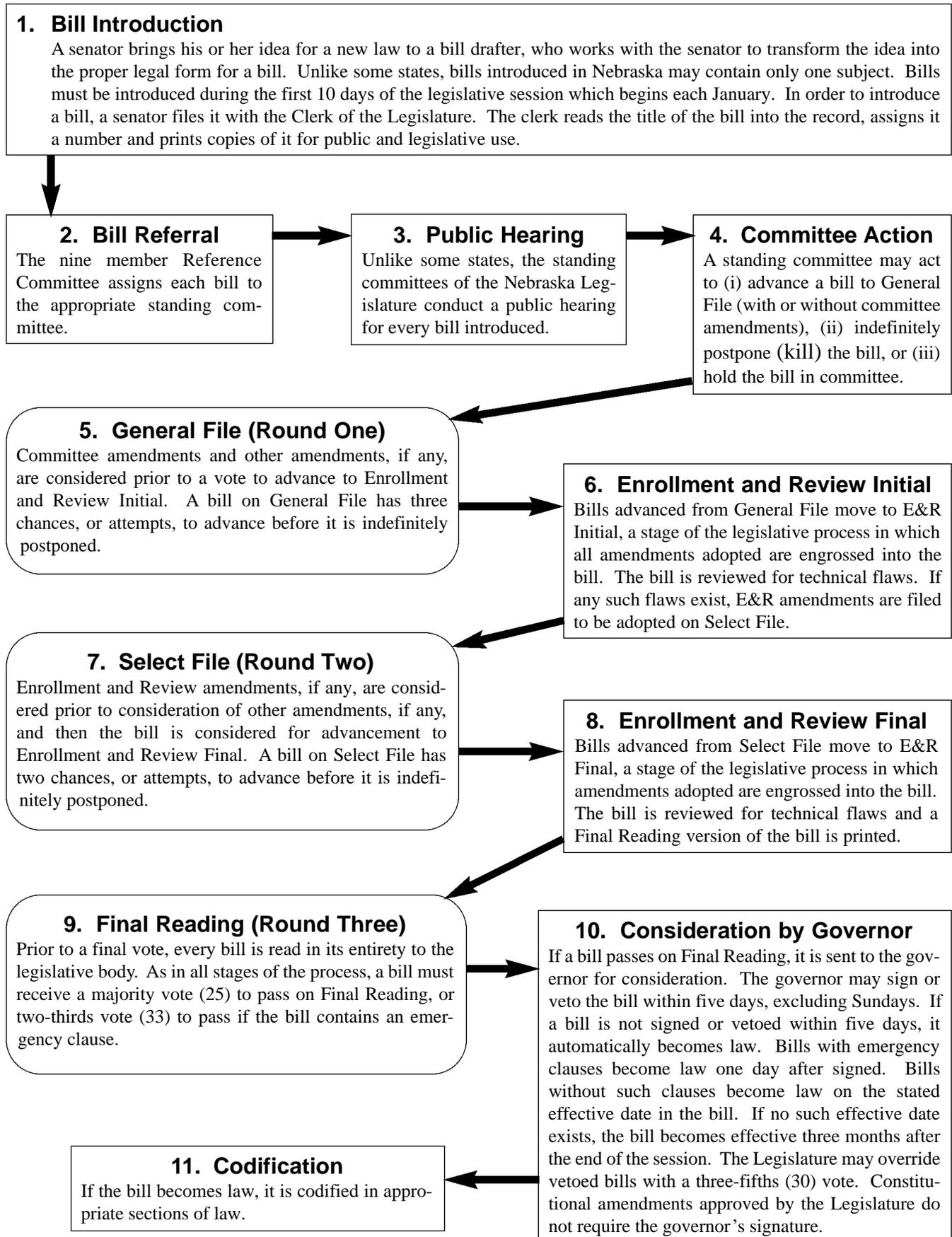
**2. Delayed Motions.** When any of the following motions is made, any action on such motion will be delayed at least one legislative day and the motion will be printed in the Legislative Journal:

**a. Motion to postpone indefinitely on General File or Select File.** This motion will be delayed unless the introducer(s) of the legislative bill or resolution, or the committee chairperson in the case of committee measures, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.

**b. Motion to place a measure on General File.** Any senator may move that a measure be placed on General File 20 calendar days or more after the committee hearing, if the committee has not yet taken final action on the

<sup>59</sup> 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 quite typically the quest of one senator to encourage another senator 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. It’s not uncommon for a member to seek a certain order of a roll call vote in order to see how a particular committee chairperson votes.

# Graph C: Nebraska Legislative Process



measure. If the motion is approved by a majority of the elected members, the measure will be placed on General File.

**c. *Motion to place measure on General File, Notwithstanding the action of a standing committee.*** If a measure has been indefinitely postponed by a standing committee, a senator may move from the floor to have the measure placed on General File.

### 3. Specific Motions.<sup>60</sup>

**a. *Shall the Debate Cease.*** To cease debate on a given motion or matter, a senator may “call the question” or more appropriately, “move to the previous question.”

The previous question can be made only in the normal course of speaking order and “seconded” or concurred by the showing of five hands of five different members. The motion will be adopted by a majority of the elected members (25 votes).<sup>61</sup>

When the previous question has been successfully ordered, the mover or introducer of the matter at issue must be given the right to close the debate.

**b. *Call of the House.*** A call of the house may be made by any member prior to any vote to be taken on a matter. The purpose of the call of the house is to bring as many members present in the Capitol building to the floor to participate in a given vote. If a majority of the senators pres-

ent and voting, vote in favor of the motion, the Legislature will be deemed to be under call. Each member will be required to physically present themselves on the floor and to indicate his or her presence upon the electric roll call system.<sup>62</sup>

When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence will be counted against the member’s closing time (10 minutes).

**c. *Reconsideration.*** When a question or issue has been decided, it is considered to be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration of the vote taken. A motion to reconsider must be made on the same day the original question or issue was decided or on the next legislative day, except when the motion to reconsider concerns the vote on a bill which lacked the constitutional majority on Final Reading. In such case, it must be made on the same day the original question was decided or within the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days or it will be deemed defeated.

For its adoption, a motion to reconsider will require the vote of a majority of the elected members, except: (i) if the question to be reconsidered is the vote on a bill which lacked the constitutional majority on Final Reading, then a three-fifths vote on the motion to reconsider will be required for adoption;<sup>63</sup> (ii) if the

<sup>60</sup> The list of motions listed in this document does not include all motions available under the Nebraska legislative process. Only those motions with particular importance or particular complexity are reviewed here.

<sup>61</sup> The presiding officer may rule the previous question out of order if, in the presiding officer’s opinion, a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer may be subject to overrule.

<sup>62</sup> The President may declare a motion to place the house under call as out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

<sup>63</sup> The rule becomes somewhat more complicated under the following scenario. If the motion to reconsider the vote on a bill which lacked the constitutional majority on Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members will be required for adoption.

motion to reconsider concerns the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote will be required for adoption; or (iii) if the motion to reconsider concerns the vote on a motion to suspend the rules, then a three-fifths vote will be required.

**d. *Strike the Enacting Clause.*** Every legislative bill has an “enactment clause” which is contained on the last line of the first page. The clause reads, “Be it enacted by the people of the State of Nebraska.” This constitutionally required clause must be in tact for the legislation to become law. Therefore, a motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill.<sup>64</sup>

**e. *Motions to Adjourn or Recess.*** A motion to adjourn or recess will always be considered in order, except (i) while a member is speaking, (ii) when a motion to adjourn or recess has just been defeated, or (iii) after the Final Reading of a bill and during roll call for that vote.<sup>65</sup>

A motion to adjourn to a time certain will have precedence over a motion to adjourn. A motion to recess will take precedence over either of such motions. When a motion to adjourn or recess has been made, the Speaker will be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable; the motion either succeeds or fails on its own merits.

A motion to adjourn/recess will be adopted if approved by a majority of members voting.

**f. *Cloture.*** At any stage of consideration, the

principal introducer of the measure under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the measure at that stage of consideration.

However, appropriation bills introduced by the Appropriations Committee will be subject to a cloture motion after twelve hours of debate at that stage of consideration. A vote on the cloture motion must be taken immediately. A two-thirds majority of the elected members is required for the cloture motion to be successful. A motion for cloture will be in order, except while a member is speaking, and a motion for cloture is not debatable.

If the motion for cloture is successful, a vote on the pending matter will be taken immediately. 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. If the original amendment has been divided, then the vote will be on the original undivided amendment being considered. After all such votes, if applicable, a vote will be taken on the advancement of the bill.<sup>66</sup>

A motion for cloture will have precedence over all other motions except a motion to recess or adjourn.

**4. Motions and Amendments for Dilatory Purposes.** Motions and amendments may not be filed for “dilatory” purposes. If more than two amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or

<sup>64</sup> It may go without saying that a motion to strike the enacting clause will likely derive from an opponent of the legislation in question.

<sup>65</sup> The Legislature recesses, for example, at noon on a session day in order to break for lunch, and adjourns at the end of the session day until the next session day. The Legislature can also stand at ease, by order of the presiding officer, in order to take a break during a session day.

<sup>66</sup> An unsuccessful motion for cloture will result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture will not be in order until two additional hours of debate on the bill has occurred.

resolution 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 will continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker will consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker may decide which, if any, amendments and/or motions are dilatory and must rule such amendments and/or motions out of order.

*Note:* A motion to overrule the chair on his/her decision is not in order, except by an introducer of amendments and/or motions ruled to be dilatory. In such cases, the challenge to the Speaker's ruling will involve all amendments and/or motions included in the Speaker's ruling

**5. Germaness.** Any amendment that is not germane, or otherwise relevant to the original legislation, is considered out of order. Germane amendments relate only to details of the specific subject of the measure and must be in a natural and logical sequence to the subject matter of the original proposal. A non-germane amendment includes one that relates to a substantially different subject.

**6. Division of Question.** Any member may call for the division of a question, which will be divided so long as the amendment or measure is divisible in terms of distinct components. Once a division is ordered by the presiding officer, each component will be treated as a separate proposition.

For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings.

Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority vote of those voting or without unanimous oral consent.

## C. Interim 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.*

**1. 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). *Note:* Each standing committee is provided the opportunity to introduce one additional study resolution prior to adjournment sine die.

**2. Committee Prioritization.** Study resolutions will be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities must be filed with the Clerk, prior to adjournment sine die. 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 are within their subject matter jurisdiction.

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.

**3. 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.

**4. 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.<sup>67</sup>

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<sup>67</sup> The results or final reports of studies conducted by legislative committees may be prepared in a format of their choosing. Copies of each completed committee report will be filed with the Legislative Reference Library.

# Appendix

## A. Model Committee Rules

*(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.
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.

## B. Committee Subpoena Procedures

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:

### 1. Issuance of Subpoenas.

- a. 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.
- b. 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.
- c. 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.
- d. 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.

### 2. Notice to Witnesses.

- a. 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.
- b. 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.

### 3. Conduct of the Hearing.

- a. 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.
- b. 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.
- c. 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.

### 4. Right to Counsel and Submission of Questions.

- a. Every witness at the hearing may be accompanied by counsel of his/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.

- b. 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.

#### 5. Testimony.

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

#### 6. Interested Persons.

- a. 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.
- b. 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.
- c. 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.

#### 7. Contempt. A person shall be in contempt if he or she:

- a. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;
- b. 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
- c. 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.

#### 8. Penalties.

- a. 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.

- b. 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.
- c. 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.

**9. 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.