

THE NEBRASKA LEGISLATURE

A guide to our nation's only unicameral



2014

“There is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction.”

~ U.S. SEN. GEORGE W. NORRIS



George W. Norris promotes unicameralism in a CBS radio broadcast



JOHN N. NORTON

Laying the foundation for Unicameralism

Efforts to adopt unicameralism in Nebraska began in 1913, when Rep. John N. Norton of Osceola helped form a legislative committee to study ways to improve state government. Part of the committee's plan, first presented to the Legislature in 1915, recommended a one-house system--which was not enacted.

Numerous attempts by Norton and others to create a unicameral reached varying degrees of success in following years. In 1917 a constitutional amendment to create a single 60-member house was indefinitely postponed; in 1920 a tie vote prevented the measure from appearing on a special election ballot; in 1923 a petition campaign failed; and in 1933, the motion reached the final reading stage before being rejected by senators.

While U.S. Sen. George Norris is typically seen as the driving force behind the change to unicameralism in Nebraska, Norton merits recognition for his significance in shaping Nebraska's Legislature. After the successful vote to become a unicameral, Norton served as a member of the first unicameral legislature in 1937, helping to implement this new form of government.

ORIGIN OF A UNICAMERAL

Nebraska's Legislature is unique among all state governments in the United States because it has a single group of lawmakers. It wasn't always a unicameral, however. The state had a senate and a house of representatives for 68 years before Nebraskans voted to eliminate half of their state legislature in 1934.

The change to a unicameral did not come easily. Nebraska rejected similar proposals several times (see Norton excerpt at left) before interest in the cost-saving aspects of a one-house system gained popularity during the Great Depression. The cause also was helped by a zealous petition campaign led by the prestigious U.S. Sen. George W. Norris and the fact that two other popular proposals were on the ballot that year: a local option on prohibition and legalized pari-mutuel betting. Voters finally decided to reform their state legislature on a 286,086 to 193,152 vote.

Norris, a "New Deal Republican" who settled in McCook, wore out two sets of automobile tires driving throughout the state campaigning for the measure. Picking up where Norton and others left off, Norris decried the two-house system as outdated, inefficient and unnecessary.

Norris said the bicameral system was modeled after the British Parliament, which is made up of the House of Commons—and representatives elected by the people—and the House of Lords, with its aristocratic members appointed by the king or queen.

"The constitutions of our various states are built upon the idea that there is but one class. If this be true, there is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction," Norris said.

Implementation of the unicameral Legislature in 1937 did cut government costs. Legislative membership went from 133 in the bicameral to 43 in the new single house – nearly a 70 percent reduction. The one-house system also was more efficient than its predecessor. The number of committees was pared down from 61 to 18, and 581 bills were introduced in 1937, as opposed to twice that many the previous session. The last bicameral session in 1935 ran 110 days, passed 192 bills and cost \$202,593. The first unicameral session two years later ran 98 days, passed 214 bills and cost \$103,445.

A common question raised during the consideration of a unicameral was how to preserve the checks that occur between houses of a bicameral to prevent abuse of power. Norris argued that legislation would be monitored by the Supreme Court and the governor's veto power. More importantly, he said, the people's right to vote and petition would serve as a check upon the possible abuse of power by their elected officials. The Nebraska Unicameral would have easy-to-follow procedures and extend greater privileges to

the press to allow for greater public awareness.

"Every act of the legislature and every act of each individual must be transacted in the spotlight of publicity," Norris said.

In a one-house legislature, Norris said, no actions could be concealed as was commonly done in the conference committees of bicameral legislatures. Conference committees resolve differences when bills passed in both houses vary in content. In Nebraska, the appointed six-member committee met in secret, and members' votes were not public record. Norris said these committees had too much power and could be easily influenced by lobbyists.

Once a bill came out of the conference committee, it could not be changed, only approved or rejected.

If rejected, another committee had to be formed to work out the disagreements, or the measure failed. Today, lawmakers may propose amendments and debate them outside of committee on the chamber floor.

Some say that the conference committees of the two-house system prevent hasty legislation. But the unicameral system has safeguards against this possibility. With few exceptions, bills must have public hearings; five days must elapse between a bill's introduction and its passage and bills may contain only one subject.

Another unique aspect of Nebraska's legislature is its nonpartisanship, which was included in the successful 1934 unicameral amendment. A nonpartisan body allows senators to concentrate on local interests without being influenced by national party directives. National party lines, Norris argued, often have little to do with local government.

Norris worked to eliminate partisanship in the Legislature because he believed that elected officials would stand on their own records. Nonpartisanship would allow lawmakers to base their actions on their own convictions and the needs of their districts, rather than according to party dictates.

Movements for unicameralism have existed throughout the United States since the nation's independence. As in Nebraska's past, dozens of attempts in other states to become one-house legislatures have failed.

The Unicameral's first clerk, Hugo Srb, predicted that lawmakers in other states would be unlikely to legislate their own jobs out of existence. More than three-quarters of a century later, his prophecy still holds true.

Shown above is the original legislative seal for Nebraska's two-house system (depicted by two antelope), which can be found throughout the State Capitol.



THE LEGISLATIVE PROCESS

The lawmaking process in Nebraska officially begins when a senator or a committee introduces a bill into the Legislature, which convenes each January. But the process actually begins much earlier—when a senator first begins to formulate ideas for new laws.

An idea for a new law may be suggested by anyone: concerned citizens, special interest groups, state agencies or the governor. The idea must be introduced as a bill by a senator or a committee to be formally considered by the Legislature. Committees debate and propose amendments to bills, and the full Legislature has an opportunity to debate each bill at least two times before its final passage. Senators may propose amendments to alter the bill as it moves through the legislative process.

Here are the steps a bill must take before becoming a Nebraska state law:

Research

First, a senator and his or her staff research a problem and study possible legislative remedies. A senator may introduce a bill to create a new law or to repeal or change an existing law. Legislators have staff available to them to help with their research projects. Much of their research is done during the period between sessions called the interim. During this time, legislative committees study a variety of issues that have been outlined in interim study resolutions passed by the Legislature.

Drafting

A senator brings his or her idea for a new law to a bill drafter, who works with the senator to transform the idea into the proper legal form for a bill. Unlike some states, Nebraska requires that each introduced bill contain only one subject.

Introduction

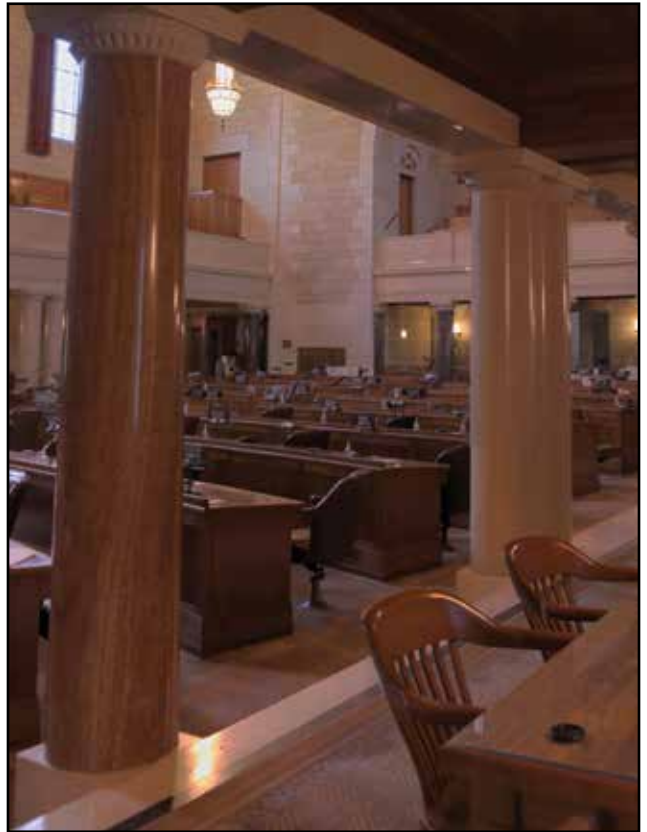
Most bills are introduced during the first 10 days of the legislative session. In order to introduce a bill, a senator files it with the Clerk of the Legislature. The clerk reads the title of the bill into the record, assigns it a number and prints copies of it for public and legislative use.

Fiscal Note

The Legislative Fiscal Office prepares budget statements that estimate the anticipated change in state, county, or municipal expenses or revenue under the provisions of each bill. These statements are called fiscal notes. Each fiscal note contains three estimates. One estimate is calculated by the fiscal office staff; another is prepared by the governor's budget office; and a third is prepared by the affected state agency. In addition, the fiscal office prepares appropriation bills ("A" bills), which accompany bills that require an appropriation.

Committee Hearing

With the exception of a few technical bills, most bills introduced into the Legislature must receive a public hearing by a legislative committee. A nine-member Reference Committee determines which bills will be heard by each of the 14 standing committees. At hearings, citizens have a chance to express their opinions to committee members. Testimony is recorded, transcribed and made part of the official committee record. After the hearing, committees may vote to send a bill to general file with or without amendments, indefinitely postpone the bill or take no action.



General File

General file is the first time the full Legislature has the opportunity to debate and vote on bills. At this stage, senators consider amendments, which may be proposed by committees or individual senators. Many people consider general file to be the most crucial stage of the legislative process because it is where most compromises are worked out through debate and amendment. It takes a majority vote of the Legislature (25 votes) to adopt amendments or move a bill from general file to the next stage of consideration.

Enrollment and Review

Commonly referred to as “E&R,” enrollment and review is a process by which previously adopted amendments are incorporated into a bill, and the bill is checked for technical and grammatical accuracy.

Select File

Select file is the second debating and voting stage. This step allows another opportunity for amendment, compromise and reflection. Bills on select file may be amended, returned to committee, indefinitely postponed or advanced to the next stage. After select file, bills are sent to E&R again to be rechecked. Then, bills are reprinted for final reading.

Final Reading

Before final passage, bills are constitutionally required to be read aloud in their entirety by the Clerk of the Legislature, unless three-fifths (30 members) of the Legislature vote to waive the requirement.

A bill may not be amended or debated on final reading, but it may be returned to select file for a specific amendment. Bills may not be voted on for final passage until at least five legislative days after the bill is introduced and one legislative day after it is placed on final reading.

A proposed constitutional amendment requires a three-fifths vote of the elected members (30) to place it on the general election ballot and a four-fifths vote (40) to place it on a primary or special election ballot. All other bills without an emergency clause require a simple majority vote before going to the governor. A bill with an emergency clause (see “Effective Date” below) requires a vote of two-thirds (33 members) of the Legislature.

Governor

After the Legislature passes a bill on Final Reading, it goes to the governor for consideration. The governor has five days, excluding Sundays, to decide what to do with a bill. If the governor signs a bill or declines to act on it, the bill becomes a state law. The governor may veto a bill, and he or she has the authority to strike specific budget appropriations (line-item

veto). The Legislature may override any gubernatorial veto, although it takes a vote of 30 senators to do so.

Effective Date

Most bills passed and approved by the governor become law three calendar months after the Legislature adjourns. However, bills may take effect before that date if they contain an emergency clause or a specified operative date.



LEGISLATIVE PROCESS

