STATE LEGISLATIVE BRANCH

THE NEBRASKA LEGISLATURE: HISTORY AND ORGANIZATION[1]

History

Territorial Legislature

The Organic Act of May 30, 1854, provided for the Nebraska Territory's first legislative assembly. The act established a 13-member council, elected to two-year terms, and a 26-member house of representatives, elected for one-year terms. The act called for annual legislative sessions of 40 days, except for the first session, which could be lengthened to 60 days. Lawmakers received $3 a day and $3 more for every 20 miles they had to travel to the capital in Omaha. The following Jan. 16, the legislators convened for the first time.

The number of voters determined legislative apportionments. The territorial governor was directed to have a census taken to make the initial apportionments and to call an election. The assembly had the power to change the number of representatives, make appointments and fix regular session dates on which to convene.

An act approved on March 16, 1855, ordered the marshal to take a census and the governor to order a new apportionment. The number of representatives was limited to 29 for the second session, and another act determined that, until changed by law, annual sessions would begin on the first Tuesday in December. The succeeding session, however, was to convene on the third Tuesday in December 1855. At this session, lawmakers decided that the next regular session should meet on the first Monday of January 1857 and the first Monday in January every year thereafter. A Jan. 26, 1856, act directed the marshal to take another census and the governor to order another apportionment, this time limiting the number of representatives to 35.

By joint resolution of Jan. 25, 1856, the territorial assembly petitioned the delegate in Congress to secure amendment to the Organic Act, basing the apportionment on the increased white population instead of the number of voters. The convening date for the fourth session was changed to the second Tuesday in December 1857, but the opening date was restored to the first Monday in January for the next session. An act approved on Nov. 3, 1858, fixed the number of representatives at 39.

The fifth session was a special session called by Gov. William Richardson to consider adopting parts of the criminal and civil codes and general affairs of the state. The secretary of the territory refused to pay for this session from current expense appropriations. The assembly, by joint resolution, requested Congress to make an early appropriation to pay for the session. By legislative act, the sixth, seventh and eighth sessions began on the first Monday in December of each year. A temporary apportionment was made by

[1] Sources: Unicameral Information Office, Office of the Clerk of the Nebraska Legislature; Jack Rodgers, "The Nebraska Unicameral Legislature's Golden Anniversary: 1937-87," 1987.

this session that also called for the ninth session to begin on Jan. 7, 1864.

Adoption of 1866 State Constitution and Early State Legislative Sessions

The 11th Legislature drafted the constitution of 1866, which voters adopted on June 2, 1866. The constitution provided for the state Legislature's first session to convene July 4, 1866. When the first session met (which is listed as the first state Legislature assembled), Congress had not yet passed the bill admitting Nebraska to the Union. Congress rejected the 1866 constitution until Nebraska agreed to an amendment allowing black people to vote. The 12th session of the territorial Legislature met Jan. 10 and adjourned Feb. 18. Two days later, the governor called a special session to consider the black suffrage amendment to the 1866 constitution.

Lawmakers met on Feb. 20 and 21, 1867. This is listed as the second state legislative session, although Nebraska was not admitted as a state until March 1. Thus, the first session after statehood was the third session, a special session called by Gov. David Butler on May 16, 1867, to establish general legislation for the new state.

The constitution of 1866 made no changes in the two legislative houses, which had 13 senators and 39 representatives. Biennial legislative sessions were to begin the first Thursday after the first Monday in January in odd-numbered years.

The fourth session was a special session, held on Oct. 27 and 28, 1868, called to provide for the election of presidential electors, a detail that had been previously overlooked.

The fifth session (erroneously called the first "regular session") was the first session held at Lincoln on the constitutional date. The sixth session was a special session called by the governor to ratify the 15th Amendment to the U.S. Constitution, provide for construction of a penitentiary, and other purposes. After the Legislature adjourned without passing all the legislation the governor wanted, he immediately called another special session, which saw passage of a herd law and an amendment of an act to govern the keeping of identical funds in the state treasury, among other legislation.

The eighth regular session saw impeachment proceedings brought against Gov. David Butler. Because of impeachment proceedings brought against auditor John Gillespie, the Legislature in June 1871 adjourned until Jan. 9, 1872, when they resumed in adjourned session.

The 10th session was a special session, called on March 27, 1873, by Gov. Robert Furnas to amend laws governing county boundaries and to consider assessments in new counties and incorporation of cities.

Constitution of 1875 and Legislative Sessions of 1875-1934

The constitution of 1875 limited legislative membership to 100 in the House and 33 in the Senate. It changed the convening date of the regular session to the first Tuesday in January. Before 1880, under the 1875 constitution, the House had 84 members and the Senate had 30.

The 12th and 13th sessions were special ones, both called on Dec. 5, 1876, to canvass

the vote of presidential electors and to appoint an elector to fill an alleged vacancy.

In 1881, the Legislature increased Senate membership to 33 and House membership to 100.

Under an 1886 constitutional amendment, lawmakers' pay was increased from $3 to $5 a day. The Senate president was paid $10 a day.

The 17th session, a special one, convened on May 10, 1882, to reapportion U.S. congressional districts and to provide money for the militia to suppress a riot at Omaha, among other issues.

A 1912 amendment boosted lawmakers' salary to $600 for each regular session and doubled the pay for the Senate president.

The 36th session was a special session called on March 26, 1918, to pass war legislation. The 38th session, also a special one, was called on July 29, 1919, to ratify the women's suffrage amendment to the U.S. Constitution. The 39th session was a special session called on Oct. 14, 1919, to enable Douglas County to repair its courthouse.

A constitutional amendment adopted on Sept. 21, 1920, increased Senate membership to 50, but the Legislature did not change the number of senators. Another constitutional amendment adopted the same day increased lawmakers' pay to $800 for each regular session.

The 41st session was a special session called on Jan. 24, 1922, to reduce appropriations and correct errors in certain laws. The 46th session, also a special one, was called on March 4, 1930, to revise guaranty of bank deposit laws. The 48th session, another special session, was called on June 9, 1931, to make appropriations to maintain state government.

Establishment of a Unicameral Legislature

On Nov. 6, 1934, Nebraska voters adopted a constitutional amendment providing for a one-house, or unicameral, Legislature. This initiative amendment, drafted by a citizens' committee, passed on a 286,086 to 193,152 vote. The amendment required the 1935 Legislature to divide the state into at least 30 legislative districts, but no more than 50.

Interest in unicameralism began in 1913 as a reaction against the more popular two-house system of lawmaking. Political reform demanded by the Progressive Movement caused a joint legislative committee that year to make several recommendations to the 1915 Legislature on ways to improve state government, including a plan to create a unicameral legislature. No action was taken on this proposal.

During the 1917 legislative session, Rep. J.N. Norton of Osceola, a longtime advocate of unicameralism and a member of the first Unicameral Legislature in 1937, introduced a joint resolution proposing a constitutional amendment to create a one-house legislature of 60 members. The proposal reached the floor, but it was indefinitely postponed as it languished behind other bills awaiting consideration.

Norton, a delegate to the 1919-20 constitutional convention, introduced a proposal providing for a one-house legislative body to consist of at least 100 members, but not to exceed 133. Approved by the committee on the convention floor, it was suggested that it be submitted before voters as a separate and alternative proposal. The final vote

on this proposition was 43 to 43. Thus, Nebraska voters were narrowly denied a chance to vote on unicameralism at a special election in September 1920.

Three other attempts to change to unicameralism failed before a successful campaign in 1934. An initiative petition campaign to place the issue on the ballot failed in 1923, and a legislative proposal by J.D. Lee of Lynch for a single chamber of 100 or fewer members was indefinitely postponed. A 1933 proposal by Sen. John Boelts of Central City in 1933 to create a legislature "consisting of a House of Representatives only" came to a final vote by senators. It failed on a 15-14 vote with four members not voting.

Although efforts to switch to a one-house legislative system continually failed, the issue was kept alive by George W. Norris. Norris had served in the U.S. House of Representatives, was a leader of the Progressive Republicans, and had been a U.S. senator since 1912. Nebraskans of all political persuasions held him in esteem, and his accomplishments and influence in national affairs gave credibility to his views. Two-house lawmaking was a favorite target for Norris. He denounced it in a *New York Times* article on Jan. 28, 1923, and he continued his indictments of state legislatures until 1934.

Norris and other supporters said unicameralism had basic advantages over two-house legislatures. Its benefits and principles, as expressed by its supporters, are summarized as follows:

● The principal criticism of the bicameral legislature was the conference committee — a joint committee appointed to iron out differences in bills that had passed both chambers, but in different forms. These committees met in secret, no records were kept of their proceedings, conference reports could not be amended when they were returned to the respective houses, and the need to compromise to "get something" often resulted in laws that included provisions not supported by a majority of the legislators. This "take all or nothing" procedure does not exist in a unicameral system. Proponents of unicameralism say eliminating the conference committee results in a more open legislative process.

● Unicameralism proponents argue that instead of one house acting as a check upon the other (a traditional defense of the bicameral legislature), one house too often shifts responsibility to the other house. In one of his later writings, Norris penned a colorful rebuttal to this "checks and balances" argument: "In every two-house legislature, after the close of the session, if we post the checks and balances we shall find that the politicians have the checks and the special interests have the balance." Unicameralism's supporters say there are ample checks on the one-house legislature through judicial review, the governor's veto and the referendum.

● It was believed that a one-house legislature would be smaller in number. This would avoid some of the frustrations of lawmakers in larger legislative bodies, such as giving legislative rights to committees, the difficulty in offering amendments to bills and curtailing the right to freely debate. Legislative proceedings in a one-house legislature can be much more open, advocates said.

● Norris and other advocates were convinced that corruption was more likely under bicameralism because it was easier for corrupt legislators to cover their tracks. Under unicameralism, Norris argued, lobbying would be more open, more personal and less

likely to be kept under cover.

● On a more recent note, it could be argued that because of the "reapportionment revolution" of the 1960s, bicameralism makes less sense than before. Courts have held that both houses of state legislatures must conform to the "one man, one vote" standard, and thus both represent essentially the same constituencies. Norris and other early proponents of unicameralism made this same point. They argued that a two-house system was redundant because both houses of state legislatures were elected from the same groups of people and were granted the same legislative authority.

Organization

State Senators

Nebraska's one-house Legislature has 49 members, called senators, who are elected on a nonpartisan basis. The number of senators increased from 43 to 49 in 1965. Approximately 35,000 people live in each district, according to 2000 census figures. Half of the senators are elected every two years. Senators served two-year terms from 1937 to 1964. In 1964, half the senators were elected to four-year terms, and half were elected to two-year terms. Since 1966, all senators have been elected to four-year terms. Senators are limited to serving two consecutive terms. According to the Nebraska Constitution, senators must be registered voters, must be at least 21 years old and must have lived for one year in the district they represent. Senators are paid $12,000 a year. In 1984, the state Supreme Court upheld a law permitting senators to be paid for expenses during legislative sessions. Senators also are paid for actual expenses when the Legislature is not in session.

Officers

Lieutenant Governor (President of Legislature): Rick Sheehy
Speaker: Sen. Mike Flood, Norfolk
Clerk: Patrick J. O'Donnell
Assistant Clerk: Richard Brown
Sergeant at Arms: Ron Witkowski

According to the state constitution, the lieutenant governor serves as president of the Legislature. In the Nebraska Revised Statutes, the law providing for legislative officers is 50-111.

Members of the Legislature elect the speaker, clerk, assistant clerk and sergeant at arms in odd-numbered years. The speaker is a member of the Legislature. The other officers, who are not members of the Legislature, are elected upon recommendation by the Executive Board of the Legislative Council. The Legislature chooses the Executive Board at the beginning of each regular session in odd-numbered years.

Publications

Publications produced by the Legislature include:

● the Legislative Journal (daily during legislative sessions and in bound form after each session ends)

● bills, resolutions and amendments