A Descriptive Analysis of Nebraska's Unicameral Legislature

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A DESCRIPTIVE ANALYSIS OF
NEBRASKA'S UNICAMERAL LEGISLATURE

by

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Submitted to the Department of Political Science and the Faculty of the Graduate School of the University of Kansas in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

Dissertation Committee:

[Signatures]
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INTRODUCTION

In recent years, considerable concern with American legislatures has been evident throughout the nation, including proposals for improving many aspects of the legislative institution. One recent study contains this statement concerning this interest:

Most of the proposals of contemporary interest for reforming American legislatures can be grouped into four categories: (1) suggested improvements in the efficiency and conduct of individual members, (2) changes in the written rules to promote procedural efficiency, (3) proposals having to do with the operations and effectiveness of legislative political parties, (4) schemes for reorganizing the committee system. Also mentioned are geographical reforms and regulation of lobbyists.

Much interest is centered upon state legislatures. In the 1966 American Assembly background study, State Legislatures in American Politics, Alexander Heard, editor of the volume, set forth a number of problem areas as "a check list to be considered by those concerned with the effectiveness of American government." The list included legislative-executive relations, sessions, terms, compensation, employees, committees, legislation, modern equipment, finance, facilities, orientation, and local and special legislation.

Interest in state legislatures has been given added impetus by United States Supreme Court decisions in the area
of state legislative apportionment, from the *Baker v. Carr* decision in 1962, in which the Court accepted jurisdiction in state apportionment cases, to the establishment of the principle of "one man-one vote" in both houses in the case of *Reynolds v. Sims* in 1964.

In the consideration of apportionment problems of state legislatures in connection with these court decisions, it has been suggested that perhaps the adoption of the unicameral system would be logical, since the same basis of representation—population—must be used for both houses of bicameral legislatures. In the words of one authority: "Although the contrast between Senate and House apportionment in the past has been exaggerated, the use of a population base in both does provide an opportunity for a new look at unicameralism, and this subject has recently been studied carefully in several states."5

However, legislative districting is only one of the factors involved in the legislative system, and supporters of unicameralism advance a number of other arguments favoring the one-house system as opposed to bicameral legislatures. Among the arguments summarized by the authors of one work are: (1) persons with better qualifications are attracted because of greater prestige and opportunity for public service, (2) a single chamber operates more efficiently, (3) competent leadership is more readily developed,
(4) it is more difficult for lobbyists to control a unicameral legislature. These, plus economy, the elimination of the conference committee, and the advantages of nonpartisanship were arguments used in promoting the single-house system for Nebraska in the 1930's.

Thus consideration of unicameralism raises questions regarding problems associated with these features of the legislative system. What is the Nebraska "Unicameral" experience in handling problems relating to organization, procedure, leadership, and lobbying? Has the Nebraska system attracted different kinds of people to legislative service?

This study was undertaken for the purpose of determining, on the basis of an investigation of the only one-house state legislative system in the nation, how Nebraska unicameralism functions in present-day circumstances and if the Nebraska experience has produced evidence of alternative ways of dealing with contemporary legislative problems which would tend to bear out the expectations of the supporters of the single-house legislature.

Because the Nebraska unicameral plan employs an important feature that is not inherent in unicameralism—nonpartisanship in the election of the members and organization of the Legislature—there are some limitations upon using the Nebraska Legislature as an example of the
unicameral system in comparison with bicameralism. However, comparisons with other state legislatures is necessary for a meaningful examination of the Nebraska system, but conclusions drawn from the comparisons which do occur must allow for this added factor in Nebraska unicameralism.

This study is not conceived as a study of the entire legislative process in the sense defined by Jewell and Patterson as "movement in the legislative system from one point in time and space to another." This study is focused on the legislative branch of Nebraska government, on the features which distinguish this institution from that of other states—the single chamber and nonpartisanship—as well as on the organizations and procedural features common to American state legislatures in general.

Since at the time this study was initiated the most recent published general studies and assessments of the Nebraska Legislature had been made a decade or more earlier, this study is primarily concerned with the sessions since the Unicameral was reapportioned and increased in size—1965 and 1967—although it includes some data from earlier sessions.

This study is organized into the major areas of concern—organization, procedure, leadership, and legislators and lobbyists—which encompass more specific aspects of the Legislature. In addition, the background provides
CHAPTER I

BACKGROUND

The legislative branch of government in Nebraska is unique among the fifty states because it employs only one house, members of which are elected on a nonpartisan ballot. As a result of this unusual arrangement, a number of familiar legislative institutions of other states—the veto power that each house holds over the other, the conference committee, the formal party control of the organization of the legislative branch—are absent from the lawmaking process in Nebraska.

The legislature in Nebraska is officially the Senate, and members are called Senators, but it is common practice for Nebraska publications, particularly newspapers, to refer to the lawmaking body as "the Unicameral" or, in its shortened form, "Unicam." Although this practice seems to reflect a preoccupation with the uniqueness of the plan, there is no reason (except a grammatical one) to object to it, for there is no standard designation for state lawmaking bodies, as one author makes clear by pointing out that only twenty-six of the fifty states use the term "Legislature" to designate their lawmaking branch, while "General Assembly" is preferred by nineteen states, "Legislative Assembly" by three, and "General Court" by the other
two.

Viewed within the framework of American state legislatures, Nebraska is, of course, an interesting departure from the ordinary. However, unicameralism is a unique legislative arrangement only if one confines his examples to the state level and the national Congress in the United States, for single bodies are used in local government in this country, and a number of nations use the one-house legislative system, including Austria, Finland, Portugal, Spain, Israel, Indonesia, and most of the satellites of the Soviet Union. In addition, New Zealand and Denmark have single-chamber legislatures, as does the state of Queensland in Australia. All of the Canadian provinces except Quebec operate with single houses under the parliamentary system.

One authority states:

Elsewhere, notably in the British House of Lords since 1911 and, to a lesser extent, in the French Council of the Republic since 1946, upper chambers have quite generally been reduced to the role of delay, advice, and amendment of actions of the popular second chamber.

Nevertheless, it is estimated by this same source that about three-fifths of the nations have bicameral national legislatures, including a majority of the major nations of the world, and Wheare writes:

So strong is the urge towards bicameralism that the legislature in Norway, the "Storting," which is elected as one body, breaks itself up into two parts, a "Lagting" of thirty-eight members which is selected by the whole "Storting," and an "Oddelsting" in which the remaining 112 members sit.
Certainly the list of governments which have only one legislative house is sufficient evidence to show that the Nebraska system is far from unique, except in the context of American state legislatures, for unicameralism is being used successfully in a number of widely divergent governmental systems.

Even within the United States Nebraska was by no means the first to use the single legislative chamber, for the legislatures of Delaware, Georgia, Pennsylvania, and Vermont were set up as single bodies when those states were organized after the Declaration of Independence, and Vermont retained the system until 1836. 9

Although it is true that the early experience with unicameralism lasted only a few years (except in Vermont), it has been argued that at least in Georgia and Vermont, its abandonment was not due to a conviction on the part of their citizens that the more common bicameral arrangement was greatly superior. Daniel Carroll, in his study of Vermont's experience with unicameralism, contends: "There is no evidence of any widespread popular interest in the establishment of the bicameral system during the fifty-seven years of the state's existence prior to 1834."10 He goes on to say: "This conclusion finds support in the newspapers of the period, although, it is true, they gave comparatively very little attention to the subject. There seems to have been
no newspaper comment in the state favorable to the establishment of the bicameral system as such.¹¹ The support for bicameralism in Vermont seems to have come primarily from the Council of Censors,¹² and Carroll's view that there was no widespread dissatisfaction with unicameralism is supported by the fact that the bicameral proposal was rejected in convention in 1814 by a 188 to 20 vote, in 1822 by a margin of 202 to 14, and again in 1828 by a wide margin, 182 to 47. Even when it was adopted in the convention of 1834, the margin was only 116-113.¹³

It is interesting to note that reapportionment in the state legislature was an issue in Vermont in the 1820's and 1830's, for Carroll credits the passage of the bicameral proposal to the belief on the part of the delegates that it "would eliminate some of the unfairness of equal town representation in the legislative body."¹⁴ Charles W. Shull credits the abandonment of unicameralism in Vermont to the common but vague terminology of "internal political difficulties and factional struggles."¹⁵

According to Jefferson Fordham, Georgia abandoned the single-house legislature in 1789 "because of the strong influence of the federal constitution and the desire of the delegates to get the job of constitutional revision over with quickly."¹⁶

It has been denied that these early state experiences
were unicameral, for they each had some form of censorship board which operated as a second legislative chamber, even though they were not designated as legislative houses. Nevertheless, the systems have commonly been described as unicameral, and they were abandoned in favor of the two-house legislatures used in the other states.

The influence of the federal constitution, cited above in the case of Georgia, has undoubtedly been the reason most often advanced in explanation of the adoption of the two-house system by the states, but it has been held by a number of writers that the development of bicameralism as a system has been accidental, rather than by design. In the words of Carroll:

The bicameral system developed, not as a result of any fixed purpose to set up a system of checks and balances or from any feeling that a legislative body of two houses was inherently superior to one organized with any other number of houses. It was the result of accident rather than of conscious purpose.

Edward A. Freeman, in his book Comparative Politics, published in 1874, made this statement about the development of the two legislative houses in England:

Now, if we look to the history of our own constitution, we shall find that this particular number of two, as the number of the Houses of our Parliament, is not owing to any conviction that two houses would work better than either one or three, but was a matter of sheer accident. The Estates of the Realm are in England no less than elsewhere, three—Nobles, Clergy, and Commons. In France, we all know, the Clergy remained a distinct member of the States-General as long as the States-General lasted. In England the Clergy could never be got
permanently to act as a regular parliamentary Estate. The causes of this difference belong to the particular history of England; the effects of it are that the Parliament of England remained a Parliament of two Houses only, and that a crowd of constitutions, European and American, have followed the English model. 19

Charles W. Shull refers to the British Parliament as "an example of the type where unicameralism is masked within the two-chamber form, since ultimately the House of Commons can become the only law-making unit capable of action in Great Britain." 20

In England, the development of this system of retaining two houses, but putting the power of lawmaking in the hands of one, was a long, slow process, stretching over two and a half centuries. The continuous thread which runs throughout the record is the attempt to curb the veto power that the House of Lords held over the House of Commons. During the Puritan Revolution, resentment of the power of the House of Lords took the form of a declaration that "The House of Peers in Parliament is useless and dangerous and ought to be abolished." 21 A. W. Johnson's account of what followed after this idea was carried out seems to bear out the worst fears of those who feel that a second house is necessary to check the excesses of the other. He states:

They the House of Commons declared their power supreme in the land and sought to perpetuate themselves in office. They exercised both legislative and constituent powers with no regard for the civil liberties. They passed fanatical legislation. They lent themselves to an orgy of graft. Their tyrannical rule disgusted
the people and angered Cromwell, who finally sent a
 squad of troopers to remove the speaker and the mace as
 an order of dismissal for what he called "the horridest
 arbitrariness that ever was in the world."22

Although later Parliaments were more restrained, the
opposition to the Lords continued in the House of Commons
into the present century. In 1907 a Labor Party member
moved that a resolution calling for decisions of the House
of Commons to be final be amended to include the statement
that "the Upper House being an irresponsible part of the
Legislature and of necessity representative only of
interests opposed to the general well-being is a hindrance
to national progress and ought to be abolished."23 Although
the House of Lords has not been abolished, the Parliament
Act of 1911 severely limited its power, and Johnson concludes
that "since a suspensive veto is all that is left to the
second chamber, there is reason for the claim that the Eng­
lish Parliament is now virtually a unicameral legislature."24

Thus it can be said that while upper chambers may have
been instituted to check potentially radical lower houses,
the members of which are usually popularly chosen, there is
also a record of opposition to these upper chambers on the
grounds that they frequently thwart the "expressed will of
the people." The Norwegian Storting, as noted above,
chooses a second house from its own membership. In Nebraska,
the decision was to press for a complete change, i.e., to
adopt the one-house system in order to overcome alleged
disadvantages of bicameralism. There appears to be no evidence that Nebraskans were any more dissatisfied with the upper house as being representative of particular interests that were inimical to the interest of the people than they were with the lower house. In fact, the new legislative body was called the Senate, rather than the House. It was the existence of two houses and practices inherent in that arrangement that came under fire in Nebraska.

Although nearly a hundred years elapsed between the abandonment of unicameralism in Vermont and its adoption in Nebraska, the idea did not lie dormant during that long period. There were numerous attempts to revive the one-house legislature in the early years of the present century. The unicameral system had been proposed and defeated in a number of states, including Nebraska, prior to its adoption by that state in 1934. In 1912, proposals which would have instituted single-house legislatures were defeated in Ohio and Oregon, and in 1913, unsuccessful attempts to change the legislative system from bicameral to unicameral were made in Nebraska, Kansas, and California.25 The Kansas plan, proposed by Governor George H. Hodges in 1913, provided for a legislative assembly of from eight to sixteen members, a nonpartisan ballot, and a four year term.26

Oregon rejected the plan again in 1914,27 and in the
same year a constitutional amendment to adopt unicameralism in Oklahoma received a favorable vote of 94,686 to 71,742, but the amendment failed to pass because it received less than the required percentage of total votes cast in the election.\textsuperscript{28}

The year 1915 saw unicameral proposals rejected for the first time during this period in Arizona, Alabama, and Washington, and for the second time in California and Nebraska.\textsuperscript{29} The Nebraska proposal was in the form of a joint legislative committee report, which received a majority vote in the legislature, but less than that necessary to submit it to a vote of the people.\textsuperscript{30}

Plans for unicameralism were unsuccessfully advanced in Arizona in 1916, in California in 1917, 1921, 1923, and 1925, in Washington in 1917, and in South Dakota in 1917, 1923, and 1925.\textsuperscript{31}

In 1937, the year the unicameral system was put into effect in Nebraska, legislative bills to inaugurate the single-house plan were killed in twenty-three states,\textsuperscript{32} and in 1945 the plan was rejected in Missouri.\textsuperscript{33}

In 1949, the Arkansas Senate adopted a resolution endorsing unicameralism and urged the voters to initiate a constitutional amendment to adopt the plan,\textsuperscript{34} and in that year the one-house system was considered in New York.\textsuperscript{35}

The unicameral system was given serious consideration
in Alaska when that state’s constitution was drafted in 1955-56, and interest in the plan in Missouri was reported in 1959. The League of Women Voters of Missouri were supporting a unicameral plan by which two members would be elected from each of 34 districts. Aside from these cases, there appears to have been little activity on behalf of the one-house legislature during the 1950’s and early 1960’s until the apportionment decisions of the Supreme Court, particularly the Reynolds v. Sims decision. After the report of the action of the Arkansas Senate cited above, the Book of the States does not report any unicameral efforts until 1966, when it notes recent developments in unicameral efforts in these words:

Unicameralism has received increased attention in the aftermath of the apportionment rulings, but no firm gains had been recorded by the end of 1965. Members of Connecticut’s constitutional convention in late 1965 rejected consideration of the plan; and while the chairman and some members of Rhode Island’s constitutional convention favored a one-house legislature, the plan appeared not to command a majority. Legislators in several states—including Arkansas, Georgia and Maryland—in 1964-65 introduced unicameral amendments but in no case were they sent to the people for vote.

The interest in unicameralism in Nebraska, then, was only a part of the rather weak, but persistent, efforts in many states to bring the system into operation. "Perhaps the principal difference between Nebraska and other states," wrote Professor James Olson in his History of Nebraska, "was that here those who wanted to reform legislative procedures,
if not more numerous, had better leadership." This leadership came from Senator George W. Norris, who had long been interested in substituting the unicameral system for what he called "the illogical and clumsy two-house legislature." 

As indicated above, numerous proposals for unicameralism had been rejected in Nebraska from 1913 to 1934. In addition to the 1913 and 1915 efforts, the proposal was rejected by the legislature in 1917, and, in the constitutional convention of 1919-20, the plan was defeated by the president's breaking a tie vote. An initiative petition failed to acquire sufficient signatures in 1923, and the legislative sessions of 1923, 1925, and 1933 failed to pass unicameral proposals. Support for the new legislative plan was not confined to introduction of legislative bills and constitutional amendments, for in January 1924, "The Farmers Cooperative and Educational Union, with a membership of 35,000 in Nebraska and nearly 1,000 delegates at its state convention, adopted by an overwhelming vote a resolution advocating the abolition of the state senate and the adoption of a one-house legislature of one hundred members, to be elected on a non-partisan ticket."

This record of interest in the unicameral legislature and of efforts to bring it about in Nebraska, as well as in other states, is evidence that its adoption in Nebraska was not simply the result of the depression-ridden citizens of
Nebraska clutching at any straw that would give them a less expensive state government, although that factor undoubtedly had some bearing upon the outcome. It may well be that the supporters of unicameralism in Nebraska, including Senator Norris, felt that the conditions were right for such a move in 1933-34. In a recent article in *Nebraska History*, Robert F. Wesser states:

There were compelling reasons why to Senator Norris and to others 1933 loomed as a good year in which to launch the fight in Nebraska for the unicameral legislature. The depression itself bred much discontent with existing institutions, and once again Americans appeared willing to implement new and challenging ideas. Furthermore, the Democratic landslide of 1932 brought in its wake a Nebraska legislature sporting inexperienced lawmakers whose first efforts proved unimaginative and fruitless. 44

The 1932 Democratic landslide is mentioned in another account of the Nebraska experience, which credits the Democratic victory with bringing about "an almost complete change in the personnel of the legislature in 1933." 45 This statement, however, is too strong, for the actual figures show that 22 of 33 members of the Senate and 59 of the 100 House members, or 81 of the total of 133, were new in 1933. 46 Granted that this represents a large turnover, and that these "inexperienced legislators were unable to cope with the problems of the depression, and at the close of the session the people of the state were left with a feeling of utter futility," 47 as the same source contends,
it was probably less important than other factors in bringing about the victory for unicameralism in 1934.

Charles W. Shull had this to say concerning the factors responsible for the change:

Most pertinent was the influence of Senator George W. Norris who had for a long time advocated the adoption of a single-house legislature, albeit upon a different basis from that which ultimately did prevail. Of equal importance, but much more intangible in character and import, was the existence of what must be called a reversed imbalance in population equity in the then extant--1930 decade--apportionment in Nebraska. The western, agricultural counties were under-represented in relation to the more populous eastern and urban Nebraska counties. Difficult as this may seem to comprehend, it was true and played a potent role as an argument for some type of forced reapportionment. Accumulated resentments expressed in the political aspects of Nebraska life centered upon the hoped for containment if not the elimination of lobbies, chiefly the railroad and big cattle interests. Add to these factors the volatile desires of people locked in the jaws of the great depression of the 1930's and change could come quite readily.

The influence of Senator Norris is recognized by other writers as a major force in the success of the movement for unicameralism in Nebraska. John P. Senning, a political scientist at the University of Nebraska who was also an important figure in the campaign, had this to say about the Senator's influence:

Nor was anyone better qualified than he to assume leadership and win wholehearted support in so far reaching a reform in state government, because the people trusted his judgment and had implicit confidence in his integrity and therefore followed him even though they might not fully understand every implication of the cause he sponsored.
The result of the continued interest in unicameralism in Nebraska was a state-wide conference in Lincoln on February 22, 1934. Senator Norris addressed this meeting, which was organized by Colonel John G. Maher, a prominent businessman, newspaperman and politician who was a close associate of Senator Norris. Senator Norris submitted a proposal which called for a constitutional amendment to bring about the change in Nebraska. His initial proposal was for a body of twenty-five members to be paid a salary of $2,500 per year per member. The proposed amendment that finally came out of the meeting called for a limit of $75,000 for legislative salaries for the biennium, with the membership to be not less than thirty nor more than fifty. The exact number was to be set by the legislature itself. The number finally agreed upon for the first session in 1937 was forty-three, later increased to forty-nine.

It was decided to try to place the amendment proposal on the ballot by the initiative procedure, a method that had failed in 1923. Although one source had predicted that it would be an easy task to get the required signatures to place the proposal on the ballot in the fall of 1934, Olson observed: "At first it seemed that the effort might meet the same fate that had befallen it in 1923..." The latter view was supported by Senator Norris himself, who wrote:
We soon discovered that it was not easy to obtain circulators of petitions and signatures to the petitions, and that, if the amendment was to be submitted, it would be necessary to compensate the circulators for the time needed in obtaining the requisite number of signers. This number, based by the law upon the vote cast for governor in the preceding general election, was 65,000, to be distributed among not fewer than two-thirds of the ninety-three counties of the state.56

The senator contributed $1,000 to the campaign, and with other financial help from contributions solicited by him, the money was used to pay circulators five cents for each name on the petitions.57 Evidently Senator Norris did not include these circulators in the group he called "one of the best organizations with which I have ever been associated, laboring without money or pay."58 However, the paid help was effective, for they had 75,000 signatures by June 5, a month before the deadline for filing the petitions,59 and ultimately 95,000 signatures were obtained.60

Of the unicameral campaign, Norris wrote:

I never made a more complete campaign in Nebraska, or in any other political campaign in which I became engaged. I traveled every section of the state, nearly wearing out my automobile.61

On November 6, 1934, the voters of Nebraska voted, 286,086 to 193,152, to abolish the bicameral legislature and establish the one-house system. The amendment failed to pass in only eight of the counties of the state; and six of these were thinly populated ranching areas.62 The amendment received a majority vote in 1,956 of the 2,029 precincts of the state.63
Among factors contributing to the decision to change the legislative system, one would have to include the depression, Senator Norris' leadership and popularity, and the fact that the unicameral proposal was only one of three amendments on the ballot in 1934. All of them passed. One of the amendments repealed the state prohibition law, and the other established pari-mutual betting in the state. Olson was persuaded that those voters who favored these two amendments "were inclined to vote for all three even though some of them may not have had any great interest in the science of government."64

Only two daily newspapers in the state, the Lincoln Star and the Hastings Tribune, supported unicameralism in the campaign,65 so evidently the victory was due largely to the efforts of the organization which was brought into being and directed by the popular Senator.

On January 3, 1937, the Nebraska Unicameral Legislature convened for the first time. Senator Norris was present, and in his address to the legislators, he indicated that he was firm in his conviction that the plan would contribute to the betterment of government for the citizens of the state, and he warned that representatives of greed and monopoly were hoping that the system would fail.66 In the thirty years since that memorable event in the history of Nebraska, not a single state has adopted the
system which has been held up by many people in Nebraska as
the logical solution for other states in their search for
economy, efficiency, and simplicity in the state legislative
process. To some, the mystery is not so much that other
states have not adopted the system, but that Nebraska has,
for there is much evidence in the history of the state which
would lead one to expect Nebraska to cling to tradition,
rather than to depart from it as it did in 1934.
NOTES ON CHAPTER I

1. Minnesota also elects its legislators on a non-partisan basis, but has the traditional bicameral system. Also, the Minnesota Legislature divides its members into two groups—Liberal and Conservative—for organizational purposes. See Minnesota Legislative Manual, 1967-68, St. Paul, State of Minnesota, 1967, pp. 31-85.


4. Wheare, op. cit., p. 197.


7. Loc. cit.

8. Wheare, op. cit., p. 1.


11. Ibid., p. 17.

12. Ibid., p. 15.

13. Ibid., pp. 16-17.


22. Loc. cit.

23. Ibid., p. 9.

24. Ibid., p. 10.


27. Carroll, op. cit., p. 4.


29. Carroll, op. cit., p. 4.


33. Shull, op. cit., p. 2.


41. Olson, op. cit., p. 315.

42. Loc. cit.

43. Senning, op. cit., p. 46.

44. Wesser, op. cit., p. 314.


47. League of Women Voters of Nebraska, op. cit., p. 2.

48. Shull, op. cit., p. 3.

49. Senning, op. cit., p. 4.


53. Olson, op. cit., p. 315.
54. Wesser, op. cit., p. 316.
55. Olson, op. cit., p. 316.
57. Ibid., p. 346.
58. Ibid., p. 349.
59. Olson, op. cit., p. 316.
60. Senning, op. cit., p. 5.
62. Loc. cit.
63. Senning, op. cit., p. 5.
64. Olson, op. cit., p. 316.
65. Loc. cit.
CHAPTER II

THE SETTING

The legislative branch of government in Nebraska may be conditioned less by the fact that it is unicameral than by the setting in which it functions. Like other midwestern agricultural states, Nebraska tends to be rural and conservative in outlook. All of the Nebraska legislators interviewed for this study described the state and its people as conservative, and one senator characterized the state as "a hundred years back of the times." Yet Nebraska, alone of the fifty states, has a single-house legislature, the most common criticism of which is that it sacrifices the check upon hasty or radical action of one house that is provided by the second chamber of a bicameral legislature. Some explanation for the apparent inconsistency involved in the employment of a single legislative house in Nebraska may be provided by an examination of the setting in which unicameralism functions in that state.

The historical development of the state and the economic and political attitudes of its people are important elements of the setting for the legislative function, and these elements appear to substantially affect this aspect of state government in Nebraska.

A consideration of the historical development of
the state is not likely to induce optimism in the minds of those in Nebraska who are obliged to struggle with the problems of government. Although it may be generally accepted as true that "The main factors in the settlement of Nebraska were the Homestead Act of 1862 and the strenuous efforts of railroad officials to attract settlers," as the writers of one pamphlet contend, this statement does little more than remind us of the turbulent history of the settlement of the state. More expressive in recalling the history of that period and its effect upon the state is this passage from the work of a Nebraska historian, a native of the state:

In these years was created the Soul of Nebraska—characteristic mind, vision and form of action. Soil and sun and wind, hardship and conflict, spirit, institutions, debates and experiences shaped the type of man who still lives upon these prairies. The blendings of different racial stocks, begun then, still go on. But the Nebraska type was created in the '70s... The soul of Nebraska remains in dominant feature the product of the pioneer '70s.

Many of the Nebraska settlers of the 1870's were foreign born; most of them were born in Europe. They included immigrants from virtually every country on the European continent, with the largest number from Germany, Sweden, Denmark, Poland, and Czechoslovakia, plus a sizeable group of German-Russians. Immigrants in smaller numbers came from Ireland, England, and Canada. Most of them were desperately poor," wrote Nebraska University historian James Olson, "and had come to America primarily
The economic condition in which many Nebraskans found themselves in the Seventies was described by Professor Olson in this way:

Political instability, growing out of the scandals of the Butler administration [Governor David Butler, 1867-1871] and the inadequacies of the constitution, combined with economic instability to produce a period of grave uncertainty in the middle Seventies. Particularly distressing to the farmer who lived in his little soddy and worked his parched fields for little or no return was the apparent collusion between the politicians and the groups to which he was constantly in debt: the railroads, the banks, and the commercial classes generally. Though it was to be a decade before the Nebraska farmer was to rise in organized rebellion against the forces he believed to be oppressing him, he was becoming steadily more willing to lend an ear to those who denounced the Government, the railroads, the bankers and the "middlemen."

The wretchedly poor immigrants who became equally poor Nebraska pioneers are, for the most part, gone, but the present attitude of many Nebraskans toward government and taxation seems to be a legacy from those early days of poverty and frustration.

The first Nebraska constitution, which was passed by the Territorial Legislature in 1866 after a bare minimum of consideration, has been characterized as providing for "... the barest framework of government, the fewest possible officers, the lowest salaries and the most meager functions for the new state in order to forestall objections to the increased expense."
Even the reforms of the Fusionist (Democrat and Populist) legislatures of the 1890's, far from being efforts to move the state into a more active (and thus more costly) role, were representative of the spirit of the 1870's—the initiative and referendum, regulatory measures against stockyards, telephone and telegraph companies, and a law making it illegal for corporations to contribute to political campaign funds. 8

The same attitudes carried into the present century, and after World War II, politics in Nebraska still revolved around "... taxes, state expenditures, and the exercise of regulatory powers already granted state government." 9

Nebraska's problems and interests remain much the same today as they have been throughout her history. Writing in the mid-1950's, Professor James Olson pointed out:

All of life in Nebraska is conditioned by the fact that the state is primarily agricultural in its economy and in its outlook. Though the trend to the cities, begun early in the twentieth century, has continued, Nebraska has only two places, Omaha and Lincoln, classified as metropolitan areas. Only ten places, including Omaha and Lincoln, have a population greater than 10,000. The population of Grand Island, the third city, was only 22,682 in 1950. Even in the cities, the point of view remains agricultural—hardly surprising when one considers that the state's most important industry is the processing of agricultural products. 10

As late as 1950, the rural population of Nebraska comprised 53.1 per cent of the total, with the remaining
46.9 per cent classified as urban by the Bureau of the Census. In raw numbers, rural population was 703,605, and the urban figure was 621,905.11 On the whole, Nebraska’s population growth rate has been less than that of the United States since the turn of the century,12 and in the decade 1950-1960, the state was 38th in the nation in growth rate.13

The rural, conservative makeup and outlook in Nebraska is reflected in such institutions of democracy as the initiative and referendum, passed as a constitutional amendment in 1912 by a vote of 189,200 to 15,315.14 The retention of these powers by the people constitutes a definite check upon the Legislature, as well as providing a means of enacting legislation and amending the constitution independent of the Legislature. Since they were adopted in 1912, they have been used thirty-three times, fifteen times for constitutional amendments and eighteen times for laws.15

Of the fifteen amendments submitted by popular initiative, seven passed and eight were defeated. Note-worthy among those passed were the creation of the "Unicameral," pari-mutual betting, repeal of prohibition, abolition of the "closed shop," and abolition of the state property tax. The unsuccessful proposals included women suffrage, the creation of a Pure Food Department, prohibition of diversion of the gas tax for any purpose than roads and highways, and state aid to schools.16
Only one of the eight laws proposed by popular initiative was adopted--authorizing cities and towns to extend their municipally-owned electric lines. Measures initiated and defeated by the people included a proposal to create a state police force, prohibition of liquor, a soldier's bonus, and a ton-mile tax.17

The Nebraska constitution provides that the initiative for the enactment of a law may be invoked by a petition signed by seven per cent of the electors, but the signatures of ten per cent of the electors must be obtained for a constitutional amendment. In either case, the signers must include five per cent of the electors from each of two-fifths of the counties. After the petition is properly filed with the Secretary of State, the measure is submitted to the voters at the next general election held not less than four months after the filing of the petition.18

The referendum for an act or any part of an act of the Legislature is invoked by the same petition procedures that applies to the initiative, except that the referendum petition requires only five per cent of the electors, with the same distribution requirement. However, signatures of ten per cent of the electors suspends the act until it is voted upon by the people, unless it is an emergency act or an act for the immediate preservation of the public peace,
The referendum petition must be filed within ninety days after the Legislature which passed the act adjourns, and the general election at which the measure is voted upon must be held not less than ninety days after filing the petition.  

The referendum may not be invoked against an act making appropriations for the expense of state government or a state institution which is in existence at the time the act was passed.

The vote cast for Governor in the last preceding general election is the basis for determining the number of petitions needed for both the initiative and the referendum, and the initiative procedure requires a majority of the votes on the measure and a minimum of thirty-five per cent of the total votes cast in the general election.

The referendum as adopted by Nebraska is, of course, designed to reverse legislative decisions with which the people disagree. Perhaps the most potentially troublesome aspects of this power is the fact that ten per cent of the voters can suspend the operation of a law that is favored by the legislature and a majority of the people. A number of people, including state legislators, expressed the view that it was a mistake to try to adopt a tax program by popular vote, as was attempted in 1966, when an income tax was defeated by referendum and the property tax was
abolished by the initiative in the same election. In 1950, the voters of Nebraska used the referendum to repeal legislative acts to increase gasoline taxes and motor vehicle registration fees, which were designed to provide highway funds.22

The Lincoln Evening Journal published an editorial in 1966 which had this to say about the referendum:

... a public attitude has developed, fed by leaders of both parties as well as by powerful elements of the press, that a popular vote is desirable in the enactment of a general tax program.

Sight has been lost of the original intent of the referendum as a safety valve for especially insidious, oppressive legislation. It now has become the respected tool of any pressure group which loses a battle in the legislature.23

It may be noted that the Journal was in the position of having won a battle in the legislature but of having to face the likely prospect (which later materialized) of losing the battle in the popular election. Nevertheless, the position of the Lincoln paper is supported by two reports of studies of state legislatures. The 1954 Report on American State Legislatures, issued by the American Political Science Association under the editorship of Belle Zeller, contains this statement:

The initiative and referendum were originally conceived as checks upon the legislature to be applied only in extreme instances when that body strayed from its mandate. In many instances in recent years, however, the initiative has been put to uses that, if
successful, would take from the legislature its rightful role. The referendum, on the other hand, remains in most states a "stick behind the door," to be used only upon infrequent occasions to demand a popular vote upon a measure that has passed the legislature and has been signed by the governor in the face of strong opposition. 24

The 1966 American Assembly report on State Legislatures and American Politics made this recommendation:

Use of the popular initiative is inconsistent with representative government, except for the call of a constitutional convention. The referendum should not be employed to reverse legislative decisions or to evade legislative responsibility. 25

Undoubtedly the threat of the referendum affects legislative attitudes. There are instances of attempts to adopt strategy to minimize the likelihood of referendum utilization, particularly in tax matters. One senator was calling for a special session of the Legislature after major tax sources were voted out in November, 1966, in order to reduce the time that opponents of any new taxes would have to secure signatures and file petitions to refer new tax legislation to the people. Since the state constitution requires that referendum petitions must be filed within ninety days after adjournment of the Legislature which passed the measure, any law passed early in a regular session would give opponents that much more time to secure the necessary signatures for a referendum. 26 Although the constitution prohibits the use of the initiative for the same measure oftener than once every three years, no such
limitation applies to the referendum.

In Nebraska, where suspicion of government and concern with costs of government seem to be deeply ingrained in the attitudes of many of its citizens, the importance of the initiative and referendum is apparent. Insofar as the initiative is concerned, it has shown itself to be a two-edged sword. Unicameralism was established by that method, but it is sometimes used to put the "Unicameral" to a severe test, such as with the 1966 tax issue.

The tax issue is an aspect of government in Nebraska that has always reflected the conservatism of its citizens. Until 1967, Nebraska had neither a general sales tax nor an individual income tax. The state has relied heavily upon a state property tax. In 1966, the property tax levy for state purposes was 11.73 mills, and 17 per cent of state money came from this source. This traditional dependence upon the property tax has affected Nebraska state government considerably, for this tax falls heavily upon the agriculture segment of the population. One Douglas County farmer, in a speech to an Omaha civic club in 1966, pointed out to his audience that the property tax penalizes the basic industry of the state--agriculture--and contended that agriculture, representing only 18 per cent of the population of the state, paid 45 per cent of the state property tax. This being the case, it is somewhat
surprising that the rural-dominated Legislature studiously avoided the subject of broadening the tax base for many years, and no income tax or general sales tax bill ever cleared the first debate stage in the Legislature until an income tax was passed in the 1965 session, after reapportionment had increased urban representation in the Senate.

Opposition to the property tax on the part of Nebraska farmers is undoubtedly based primarily upon their own economic interest, but other opponents of this tax seem to feel that many groups and individuals cling to the property tax simply as a means of keeping taxes down, thus preventing the state from progressing as the property tax critics think it should.

Regardless of the reason, whether it is the property tax itself or Nebraskans' concern with taxes in general, Nebraska has had the lowest per capita state tax load of any state in the nation for some time. Governor Frank B. Morrison, in his inaugural address in 1963, said: "Nebraska has the lowest per capita tax rate of any of the fifty states. I would like to see it remain so." The state was still lowest in per capita taxes for state government in 1965. In state and local taxes paid in 1965, Nebraska was in thirty-eighth place, with a per capita state and local tax burden of $220, compared with the national average of $226. By still another standard—ability to
pay--only New Jersey asked less of its citizens in state
taxes in 1965 than did Nebraska, according to a National
Education Association report. In that report, based upon
federal compilations, average per capita personal income for
the nation was $2,445, and the national average per capita
state taxes, $127.25. Nebraska figures were $2,315 and
$75.14, respectively, compared with $2,915 and $77.41 for
New Jersey.33

The Omaha World-Herald, generally held to be the
state's most influential newspaper, has been true to the
interests of the residents of the largest city in the state
in consistently opposing the broadening of the tax base,
whereas the Lincoln Journal is a vigorous supporter of tax
base broadening, as well as an outspoken critic of the
Omaha paper's tax position. An inter-city newspaper
dialogue results from this difference of editorial opinion,
and the dialogue reflects other differences. Marvin E.
Stromer, a state senator from Lincoln, made a point of this
in a study of congressional redistricting in Nebraska in
1961:

Senators from legislative districts dominated by
access to the Omaha World-Herald endorsed the proposal
to draw legislativo districts favorable to the "con-
servative" philosophy expressed by the paper. Senators
from districts where the Lincoln Evening Journal had
high subscriptions--southeast and south central
Nebraska--were generally favorable to drawing districts
allowing the Journal long-range competition with
Nebraska's largest newspaper.34
The competition between the papers is apparently quite one-sided, for the Lincoln Journal circulation is far below that of the Omaha World-Herald. In 1967, the daily circulation of the Lincoln paper (45,038) was only 35.8 per cent of the evening circulation of its Omaha rival (125,757). In Sunday circulation, the World-Herald has an even greater advantage, 271,998 to 57,006, making the circulation of the Lincoln Sunday Journal and Star only 20.9 per cent of that of the Omaha paper. 35

In addition to the numerical advantage, the World-Herald covers the state more widely than does the Journal. In only four counties, including its home county (Lancaster), does the Lincoln paper have a daily circulation greater than that of the World-Herald, and in Sunday circulation the number of counties is reduced to three. In some counties of the state, particularly in the northeast and in the west, the Journal appears to be virtually nonexistent. 36 The World-Herald has circulation in every county in the state, whereas the Journal serves primarily a 23-county area in southeastern Nebraska, although it does extend westward from Lincoln to a considerable extent, following the natural east-west communication routes of the state. 37

The Omaha-Lincoln conflict has been part of the journalistic scene for the entire life of the state. James Olson records that when the 1866 Legislature passed
an act providing that the state university, state agricultural college, and state penitentiary would be located in
Lincoln, the Omaha Republican predicted: "Nobody will ever
go to Lincoln who does not go to the legislature, the lunatic asylum, the penitentiary, or some of the state institutions." 38

The difference in philosophy between the newspapers
is clear in their attitude toward income and sales taxes,
but this issue is only one item in their disagreement over
the whole program of the state. As Stromer puts it:

The Lincoln hopes for an advanced and accelerated
change on the part of Nebraskans in their attitudes
toward "public sector" spending, their approach to
federal government assistance programs, and their con-
siderations of an enlarged or broadened tax base will
depend on the efforts of the Lincoln newspaper owner-
ship to directly meet the largeness of the Omaha
World-Herald. 39

On the basis of present circulation, both numerical
and geographic, the Journal will not be in a position to
seriously challenge the Omaha paper in the foreseeable
future.

The position of the Journal in regard to state
taxation is not to be interpreted as simply opposition to
the property tax per se, despite the statement in a May,
1965, editorial that "The Lincoln Journal has long sup-
ported a replacement for the state property tax, without
a great deal of regard for what form that replacement was
to take. Virtually any form of sales or income tax would
be preferable to the property tax, we believe." The editorial position of the Lincoln paper seems to be that the state property tax is indicative of an overall problem—backwardness—and the paper does not spare the state's leaders in its criticism of this characteristic of Nebraska. A critical editorial on Governor Morrison's revenue proposals in his budget message to the 1965 Legislature credited the governor with accurately describing the needs of the state, but charged that "Morrison, as he has throughout his political career, failed utterly in exerting any kind of leadership for raising the necessary revenues." The governor's revenue measures, contended the editor, "would provide scarcely a start toward meeting those needs."

The revenue proposals criticized by the editorial were designed to raise approximately $18.3 million in additional revenue. The proposals, with the amount to be raised, included increases in taxes on cigarettes, cigars, and other tobacco products ($3.3 million); increased taxes on beer, liquor, and wines ($6.9 million); increase in the pari-mutual tax ($3.4 million); increase in the fee for motor vehicle title search ($300,000); a meals and lodging tax ($2.2 million); and natural increases in insurance tax (due to increased volume) and property tax revenue (due to increased valuation) totaling $2.2 million. These proposals for financing increased costs of state government
reportedly prompted one senator to remark that the governor's program was "as an elephant, but his method of implementing that program is as a gnat." Nevertheless, the governor's tax program was consistent with his statement to the press of his belief that "people who use alcohol, tobacco, and gamble on horse races, which I regard as luxuries, should pay for our program."45

The governor was not alone in his opposition to the income tax. The bill which provided for the income tax (and which was submitted to the people by a referendum petition) cleared the Senate on final reading by a margin of only 26 to 23, with all ten of the Omaha legislators opposing it. Four of the five Lancaster County (Lincoln) senators voted for the bill.46

The opposition to the income tax on the part of the World-Herald and the legislators from Douglas County (Omaha) was evidently representative of that section of the state, for the governor's office reported in June, 1965, that mail to the governor concerning a possible veto of the income tax bill was about evenly divided on the question, but added: "Those who want the bill vetoed are predominantly from Omaha."47

The Nebraska tax situation is further complicated by a state constitutional amendment, passed in 1954, which provides:
When a general sales tax, or an income tax, or a combination of a general sales tax and income tax, is adopted by the Legislature as a means of raising revenue, the state shall be prohibited from levying a property tax for state purposes.48

Known as the Duis Amendment, this provision of the state constitution was before the voters of Nebraska in 1966 in the form of an amendment that was placed on the ballot by the 1965 Legislature. This amendment would have permitted the state to levy a property tax for capital building improvements even though an income tax amendment is passed.49

In addition to this proposed change, the Nebraska Farm Bureau Federation secured enough signatures on an initiative petition in 1966 to place on the 1966 general election ballot another proposed constitutional amendment which would abolish the state property tax altogether.50 Thus in the 1966 election, the voters of Nebraska were faced with two constitutional amendments which would have cancelled each other if both passed. Such an impasse would be settled by the state constitutional provision that if conflicting measures are approved by the people at the same election, the one with the highest number of affirmative votes shall become law as to all conflicting provisions.51 Subject to this provision, it was thus possible on November 8, 1966, for the voters of Nebraska to: (1) institute an income tax, thus automatically
putting an end to the property tax for state purposes by the provisions of the Duis Amendment; (2) retain the property tax for state building purposes; and (3) abolish the state property tax outright, independent of the outcome of the other amendments. The outcome of this complicated exercise in popular sovereignty was that the income tax was repealed by referendum, the property tax for state building purposes was rejected, and the initiative amendment to abolish the state property tax was passed by the narrow margin of 223,969 to 216,093.52 At the same election, the voters approved a state constitutional amendment which provides that when a state income tax is passed, the Legislature may base the tax upon the laws of the United States.53 So, the Legislature in the 1967 session faced the fact that the state had no major state-wide tax for financing state programs, and it can be said that Nebraskans' opposition to taxes in general, expressed by the use of the referendum, had created a critical situation for the Legislature.

Nebraska frugality is evident in the state's attitude toward general education. More than ninety per cent of school money in Nebraska is provided at the local level,54 and, along with Colorado, Florida, Nevada, and Utah, the state is characterized by one writer as being particularly miserly toward education.55
In 1965, Nebraska was 39th among the states in expenditure per pupil in average daily attendance in elementary and secondary schools, spending \$419 per pupil, compared with the national average of \$532. In average salary of classroom teachers in elementary and secondary schools in 1966, Nebraska ranked 42nd in the nation. The national average was \$6,506; Nebraska teachers received an average of \$5,225. In average salaries paid to secondary teachers only, Nebraska did somewhat better, ranking 37th. The figures were \$5,850 for Nebraska and \$6,766 for the nation as a whole. Nebraska's elementary teachers, however, received an average of only \$4,800, compared with an average of \$6,293 for elementary teachers throughout the nation. Only Arkansas, Kentucky, Mississippi, North Dakota, South Carolina, and South Dakota paid their elementary teachers less, on the average, than did Nebraska in 1966.

Despite these statistics, the proportion of Nebraska adults who have completed at least one year of college is approximately the same as the national average, and in median school years completed, Nebraskans 25 years old and over averaged one year more than the United States population as a whole. This seems to indicate at least normal interest in education in the state, and this conclusion is further borne out by the fact that the state constitution devotes four pages to the subject, a large portion of which
is concerned with finances. Still, it is difficult to
dismiss as meaningless the fact that Nebraska voters
rejected compulsory education by a vote of 9,958 to 6,289
in 1871, 60 and, according to Olson, "... as late as 1883
it was referred to in the press as 'a case of legislative
delirium tremens.'"61 However, a compulsory school law was
passed by the Populists in 1891.62

One area of educational support in which Nebraska
lags behind other states is vocational education, although
the state maintains vocational training schools at Hastings,
Milford, and Sidney.63 It is important, in view of the
concern in midwestern states for attracting industry, that
an industrial location consultant from Chicago, Ronald M.
Reifler, speaking at an Industrial Development Seminar at
the Nebraska Center in Lincoln, took note of the fact that
Nebraska ranked 50th among the states in per capita expendi­
ture for vocational education in 1965.64 Vocational
education is, of course, of great importance to the de­
velopment of a labor force for the industry that is being
sought by the state. Other problems mentioned by Reifler
as affecting Nebraska industrially were transportation,
state spending, and lack of local initiative.65

In higher education, the state operates the Univer­
sity of Nebraska at Lincoln, state colleges at Chadron,
Kearney, Peru, and Wayne, and junior colleges at Fairbury,
McCook, Norfolk, North Platte, and Scottsbluff. The University of Omaha, a municipal university, has been taken into the state system as part of the University of Nebraska by action of the 1967 Legislature and the voters of Omaha.

The University of Nebraska at Lincoln has been operated as the only state university for nearly a century, and enjoys a position of pre-eminence in the educational life of the state. In 1966, approximately 63 per cent of the students enrolled in state supported four-year institutions of higher learning were attending the University of Nebraska, and more than 85 per cent of the students at the University were Nebraskans. Twenty-nine of the legislators in the 1967 session of the "Unicameral" had attended the University of Nebraska, with more than twenty having received degrees from the institution, and this undoubtedly increases the interest that legislators normally have in the university. Until recently, university officials were required to furnish the Legislature with individual faculty salary figures. The effect of this upon salaries is not known, but in 1967-68, Nebraska University was fifth among the universities which make up the Big Eight Athletic Conference in average faculty salaries. In addition to Nebraska, these universities are Colorado, Iowa State, Kansas, Kansas State, Missouri, Oklahoma, and Oklahoma State. Colorado, Iowa State, Kansas, and Missouri, in that
order, were above Nebraska in average salaries paid, but when fringe benefits were added, Nebraska University moved into fourth place, ahead of Missouri University.\textsuperscript{71}

In 1967, the Nebraska State Journal reported conclusions reached by the Midwest Research Institute of Kansas City, Missouri, on the basis of a study of the University of Nebraska that was made by the Institute at the request of a group of businessmen from Omaha and Lincoln. The study compared Nebraska with ten other states that were competitive with Nebraska for university faculty and were either from the same region as Nebraska or were comparable to Nebraska in size, wealth, or in structure of higher education. The states were Kentucky, Missouri, Colorado, Indiana, Ohio, Kansas, Oregon, Minnesota, Iowa, and Oklahoma.\textsuperscript{72}

The general conclusion from the study was that the University of Nebraska fell short of the quality of higher education that could be achieved with the state's financial resources. The report, as quoted in the Journal, contained such characterizations of Nebraska as "falling behind," "lags significantly," "a major and long-term development program will be required," and "has a long period of catch-up ahead."\textsuperscript{73}

In average faculty salaries, Nebraska was well below both the top and median figures among Big Eight and Big
Ten universities. Average top salaries paid by these universities were 28 per cent above Nebraska University's top salary figures for professors, 24 per cent above for associate professors, and 17 per cent above for assistant professors, while Nebraska's median salary was 11 per cent below the average for professors, 12 per cent below for associate professors, and 8 per cent below for assistant professors.74

Per-student costs, which are generally on the rise, dropped in Nebraska from $685 in 1961-62 to $601 at the time of the report, and only three schools included in the study added fewer library volumes in 1963-64 than did Nebraska.75

Among the causes cited for Nebraska's low ranking was apathy toward the University on the part of the citizens. In answer to this, a member of the Budget Committee of the Legislature, Senator Clifford Batchelder of Omaha, was quoted in the press as saying: "The so-called apathy on the part of the average citizen toward the University should justify my statement that a large University is not as important to Mr. Average Taxpayer as it is to the management of the University and interested businessmen."76

Mr. Batchelder's statement suggests that the issue is one of attitude, rather than ability to pay, although he also contended Nebraska's taxpayers had contributed to
higher education to the limit of their resources. Still, the report of the Midwest Research Institute showed Nebraska to be last among the states studied in percentage of increase in appropriations of state tax funds for higher education for the period 1961-67. The percentages of increase were: Kentucky, 221; Missouri, 192; Colorado, 113.25; Indiana, 108; Ohio, 106; Kansas, 96; Oregon, 93.5; Minnesota, 86.25; Iowa, 75; Oklahoma, 55; Nebraska, 44.77

Still another indication of opposition to state spending is the low pay scale for Nebraska employees. The Lincoln Evening Journal reported in 1965 that a national study by the Ohio Bureau of Unemployment Compensation showed Nebraska to be 44th among the states in average pay for state employees (except for professional education staffs) in 1964. "All of Nebraska's neighboring states," reported the Journal, "pay their workers more, on the average, than does Nebraska." Only the southern and border states of Mississippi, Arkansas, Tennessee, South Carolina, Oklahoma, and West Virginia paid less than did Nebraska. The range of neighboring states over Nebraska was from Missouri's 6 per cent to Colorado's 26 per cent, with Wyoming paying 22 per cent more, Iowa and South Dakota 12 per cent more, and Kansas 9 per cent more.79

Senator Stanley Natzke of Milford was critical of
the low wages paid to state workers in Nebraska. He cited the case of nine graduates of Milford Vocational School who were offered $275 per month by the Nebraska Highway Department. All went to Iowa, where they were paid $375-$400 per month.80

Generally, salaries for elected officials and appointed administrative officials in Nebraska are below the average for all the states, although they are in line with those of Nebraska's neighbors. However, only four states in the nation—Arkansas, Maryland, New Mexico, and Idaho—pay their governor less than does Nebraska, while four states pay the same amount.81 A newspaper story in 1968 reported that 177 state employees received salaries higher than that of the governor, however, and 146 of these were University of Nebraska personnel—administrators, researchers, and faculty members. Department of Institutions personnel, mostly doctors, accounted for 23 of the remaining 31 who were paid more than the governor.82

Politically, Nebraska is heavily Republican, and in the 1960 Presidential election, Richard Nixon received 62.1 per cent of the popular vote there, making Nebraska "the most Republican state in the nation" that year.83 Since 1868, the first Presidential election in which the state participated, Republicans have captured Nebraska's electoral votes eighteen times and Democrats have been
victorious seven times, including Woodrow Wilson’s victory with 46.2 per cent of the popular vote in 1912. Other Democratic Presidential candidates who carried Nebraska were William Jennings Bryan in 1896 and 1908, Wilson in 1916, Franklin D. Roosevelt in 1932 and 1936, and President Lyndon Johnson in 1964. All of these elections had some special aspects; Bryan was from Nebraska, Wilson’s campaign for re-election appealed to Nebraskans on the peace issue during World War I, and the Roosevelt and Johnson victories in Nebraska were part of national Democratic landslides.

From 1940 to 1960, the Nebraska popular vote percentage for Republican candidates for President ranged from 54.2 for Dewey in 1948 to 69.2 for Eisenhower in 1952. In the four Presidential elections from 1948 to 1960, Nebraska’s Republican percentage of the popular vote was exceeded only by Maine and Vermont in 1948, by Vermont and the two Dakotas in 1952, and by Maine, New Hampshire, and Vermont in 1956.

Although two of the last four governors of Nebraska have been Democrats, with Frank B. Morrison winning three terms, 22 of the 32 Nebraska governors have been Republicans. Eight were Democrats and two were Populists who were also the candidates of the Democratic party and were known as Fusionists. Of the 32 United States Senators from
Nebraska, only four were Democrats, and three of the four served during the period of national Democratic supremacy, 1933-1941.87

The Democrats were strong enough to force a major contest over the issue of statehood, and lost the first election for governor in 1866 by the margin of 109 votes, (4,093 to 3,984) while the new state constitution they had opposed was adopted by an even smaller margin, 3,938 to 3,838,88 but they were pushed into what one writer called "the position of a hopeless minority" by the return of Union veterans after the Civil War.89 This does not mean, however, that there has been unqualified satisfaction with the Republican party in Nebraska. Populists were successful in gaining election to the state legislature, the governorship, the U.S. House of Representatives, and the U.S. Senate in the 1890's,90 and third party candidates received heavy support in Nebraska in Presidential elections in 1892, 1912, and 1924. In 1892, Populist James B. Weaver received 83,134 votes to 87,213 for Harrison and only 24,943 for Cleveland. Theodore Roosevelt ran well ahead of Taft in 1912--72,689 to 54,216--although Wilson carried the state with 109,008.

Robert M. LaFollette polled 106,701 votes as a Progressive in 1924 while Coolidge was winning Nebraska with 218,585 votes to 137,289 for Davis.91

The independence that is exhibited by the people of
Nebraska on occasion may help to explain the fact that Nebraska operates one major enterprise that is in conflict with the tenets of economic conservatism generally associated with midwest Republican politics. Since the 1930’s, the state has operated a state-wide public power system. This means of supplying the people with electric power could perhaps be interpreted, at least in part, as a legacy from the Populist period of struggles against monopolies in the history of the state. However, James Olson, in his *History of Nebraska*, does not give this interpretation. In his words:

Though in some quarters Nebraska’s public power system is looked upon with horror as a monstrous example of socialism, most Nebraskans do not share this view. They realize that though bitterly fought over and opposed on ideological grounds, it was brought about not as a result of any particular political movement, but primarily as a result of an effort to harness the rivers of the state for their maximum beneficial use.

With the defeat of George W. Norris, then eighty-one years of age, for re-election after five terms in the United States Senate, Nebraska returned to Republican domination in politics that has been interrupted only on rare occasions. Republicans now hold all but one of the state offices that are on the partisan ballot, and the single exception is one of the five members of the State Railway Commission. In addition, Republicans hold more than two-thirds of the seats in the "Unicameral," although they are elected without party labels.
The economic and political conservatism of Nebraskans is apparently not limited to the Republicans, for almost all of the criticism of the last Democratic governor voiced by legislators of both parties was based upon his conservative position on taxation.

The Nebraska "Unicameral" works in an atmosphere influenced by characteristics of the state and its people that are deeply rooted in the past. These influences appear to be, for the most part, restrictive in their effect upon the Legislature. However, other factors tend to affect the state in the opposite way, and there is evidence that Nebraska, like other agricultural states, is undergoing a change in outlook. A number of people interviewed for this study, including former Governor Frank B. Morrison, feel that this is the case. Governor Morrison spoke of "an awakening" going on in Nebraska and expressed the view that the majority of the people want to progress.96 There are indications that some of the change taking place in Nebraska is the result of action by the Legislature.

There is evidence that the penurious attitude toward government and taxes that has prevailed in Nebraska for so long is being reconsidered in some quarters. One prominent Nebraskan attacked this attitude in 1965, and his remarks were praised by the Lincoln Journal in an editorial entitled "A Voice in the Wilderness." Mr. Leo Daly, an Omaha
architect and community planner who was appointed by Governor Frank B. Morrison to a committee to study Nebraska's tax needs, was quoted in the Journal as saying:

"We should be taxed more. I think our attitude toward wanting to be the 50th state in the payment of taxes has something to do with the problem. If I were moving industry into a state it wouldn't be Nebraska. The attitude toward taxation would indicate to me that this is a backward, unhealthy area."97

The Journal used the editorial to praise Daly and also to excoriate its chief rival in these words:

What makes Daly's remarks so significant is that they are so polar to the image of what is the normal Omaha view as reflected by the Omaha World-Herald, tax vigilante Wray Scott, and the conservative Omaha unicameral delegation headed by Conservativissimo Sen. Clifford Batchelder. Yet Daly is part of the power structure of Omaha and a capable Nebraskan who is a counselor of Gov. Frank Morrison.98

Mr. Daly's voice may be sounding in less of a wilderness than it appears to the Journal editorialist, for one authority on the subject of Nebraska government is of the opinion that there has been a change in attitude in the Legislature in the last few years. Dr. Adam Breckenridge, of the University of Nebraska, points out that the legislative attitude toward grants-in-aid has done an about face in recent years. "About ten years ago," he said, "the Legislature passed a resolution opposing grants-in-aid, but in 1961, 1963 and 1965, they passed specific authorization for grants-in-aid for university capital improvements."99

Further evidence cited by Dr. Breckenridge of change in
legislative attitudes include concern with rural school redistricting and administrative reorganization and the fact that the Legislature has not asked Nebraska University officials for individual faculty salary figures for the last three sessions.

Senator Stanley A. Matzke, of Milford, who served in the Legislature in the 1941 and 1943 session, and again in the 1965 session, stated that he found that the legislators showed more knowledge and understanding of state problems in 1965 than in the earlier session in which he had served. He felt that the caliber of members was "exceedingly good" in 1965, and that they were trying harder to find solutions.100

Senator Ross Rasmussen, Hooper, serving his third term in 1965, stated that the caliber of members in the 1965 session was considerably improved over the previous sessions he had attended,101 and Senator Eric Rasmussen, of Fairmont, who served in the 1963 and 1965 sessions, said that he detected a change in attitude toward spending in the latter session, and viewed the passage of the income tax bill as a victory in itself.102

When the 1965 Legislature advanced a bill to change the corporate occupational tax schedule, it was stated in a newspaper that this tax schedule had not been changed in fifty years.103 It may be noted that it was not changed in that session, either, for the bill was indefinitely
postponed by a vote of 35 to 3. However, the attempt was made.

A combination sales-income tax was enacted by the 1967 Legislature, and efforts to nullify it by means of a constitutional amendment prohibiting the state from levying an income tax were apparently unsuccessful, pending a court decision on an appeal from a ruling by the Secretary of State that initiative petitions to put the restrictive amendment on the ballot in 1968 contained insufficient valid signatures. Also unsuccessful in 1968 was an initiative petition drive for a complicated constitutional amendment to prohibit state spending "in excess of, the amount spent during the 1965-67 biennium multiplied by \( \frac{3}{2} \) times the increase in the consumer price index plus the increase in the population of the state added to the amount spent during the 1965-67 biennium."

In addition to the evidence of change in the area of taxation, Nebraska is directing more of its resources to education. Since the 1963-65 biennium, the rate of increase in expenditures for the Department of Education has been much greater than that for the total state budget. From 1963-65 to 1965-67, the state budget increased 10.5 per cent and the Department of Education budget increased 22.3 per cent. From 1965-67 to 1967-69, while the state budget increased 35.4 per cent, the Education Department
budget was more than doubled (103 per cent increase),\textsuperscript{107} due in part to a program of state aid to schools passed by the Legislature in 1967.\textsuperscript{108}

A new Area Vocational-Technical School was established by ten counties making up the Mid-Plains area in southwestern Nebraska in 1966, a move heralded by the \textit{Lincoln Sunday Journal and Star} as "a giant stride forward" in vocational and technical education.\textsuperscript{109}

In higher education on the college and university level, there is also evidence of increased interest in providing financial support. The University of Nebraska spent 46.3 per cent more in 1965-67 than in the 1963-65 biennium and the University budget was increased 39.7 per cent for the current biennium. Expenditures of the state colleges, which increased 20.6 per cent from 1963-65 to 1965-67, increased 58.2 per cent for the next two years.\textsuperscript{110}

Other factors indicating a change in the character of Nebraska may help to explain the apparent change in attitudes. More than one-half of the population of the state is now classified as urban by the United States Bureau of the Census, which showed 54.3 per cent of Nebraska's population to be urban in 1960, an increase of 23.2 per cent in the number of urban inhabitants since 1950. In raw numbers, urban population rose from 621,950 in 1950 to 766,053 in 1960, while rural population was declining from 703,605 to
A population study conducted by the Bureau of Business Research at the University of Nebraska in 1967 estimated that the urban population of the state comprised approximately 56.6 per cent of the total in 1966.112

The percentage of Nebraska's population located in Omaha and Lincoln, 26.4 per cent in 1950, increased to 30.5 per cent in 1960,113 and was an estimated 31.8 per cent in 1966.114

Statements concerning Nebraska population characteristics taken from the 1960 census records reveal a number of trends that could be used in describing the population of many states. "Central cities contain a larger share of the state's population than in 1950."115 "The proportion nonwhite for the state has increased since 1940."116 "One-tenth of Nebraska's 1960 population lived outside the state in 1955."117

In 1960, 39 per cent of the men aged 65 and over were in the labor force in Nebraska,118 and the state had proportionately more people of this age group than did the nation at that time.119 The proportion of persons 65 and older in Nebraska increased from 9.9 per cent in 1950 to 11.5 per cent in 1960.120 At the same time, the proportion of persons aged 19 and under increased from 33.7 per cent to 38 per cent, and the median age of the Nebraska population
dropped from 31 to 30.2. 121

Although persons born in foreign countries made up only 2.9 per cent of Nebraska's population in 1960, 122 South Dakota was the only neighboring state which had a higher percentage of persons of foreign stock among her population than did Nebraska in 1965. 123 While pride of ancestry among the ethnic groups is made evident by such events as the annual Czech Festival at Wilbur, a small town in southeastern Nebraska, which attracts Czechs and people of Czech descent from as far away as Czechoslovakia, the ethnic groups have assimilated into Nebraska life while maintaining their ethnic identity. 124

Nebraska's population, like that of other agricultural states, is changing. Nebraska had twice as many people employed in white collar occupations as in farm work in 1960, 125 and if predicted population trends materialize, it seems likely that the proportion of white collar workers will increase. A 1967 report of a study made by the Midwest Research Institute showed that Nebraska's population growth rate, 38th in the nation in 1950-1960, can be expected to increase appreciably between now and 1975. Of the six states studied--Nebraska, Kansas, Iowa, Missouri, Oklahoma, and Arkansas--Nebraska will have the highest growth rate through 1975. Nebraska, according to the report, was expected to advance from third to first among these states
and from 38th to 28th in the nation, and by 1975, the urban residents will make up an estimated 63 per cent of the state population.\(^{126}\)

Other features of Nebraska's population are instrumental in shaping the character of the state. In the development of Nebraska, the population movement and the development of transportation and communications routes were along the Platte Valley westward from the only navigable stream in the region—the Missouri River.\(^{127}\) Stage coach, Pony Express, telegraph, and railroad followed this pattern, and the Union Pacific Railroad extended westward to Kearney in 1866, to Cheyenne in 1868, and, through its connection with the Central Pacific, to the west coast in 1869.\(^{128}\) The Burlington, starting from Plattsmouth, south of Omaha, joined the Union Pacific at Kearney in 1872, and in the same year the completion of a Missouri River bridge at Omaha made connection with Iowa routes,\(^{129}\) making easier the transporting of people and goods to the west, and the east-west routes of communication and transportation are still in existence in Nebraska.

Despite the efforts to develop these important factors in the state, the historical conditions of settlement, combined with the influence of such natural characteristics as topography and soil composition, have contributed to the concentration of population in the eastern part of the state,
with the only two urban centers of the state being located in that section.

In 1960, nearly two-thirds of the population of Nebraska was located in 34 eastern counties comprising less than one-fourth of the area of the state. Of the total population of 1,411,330, 66.3 per cent (935,202) was in 24.1 per cent of the area. Although there is disagreement between the state's two largest cities on matters of public policy, there is often reference to "outstate" interests and representatives in the Legislature, suggesting mutual interests of the metropolitan centers of the state, a situation not unlike that which exists in other states in the region.

Nebraska's "Unicameral" has functioned in a conservative, Republican economic and political setting throughout its existence, for although it was approved by the voters of Nebraska in 1934, when the state was voting Democratic in response to New Deal programs dealing with problems of the Depression, it did not go into operation until 1937, when Nebraskans were beginning to return to their Republican voting habits. However, recent evidence of changing population characteristics and public attitudes in Nebraska is accompanied by evidence of a corresponding change in the "Unicameral" that is reflected in the legislative product—tax base broadening, state aid to schools, and increased
support for higher education—indicating that the unicameral legislature, no less than the traditional two-house system, is responsive to, if it does not bring about, changes in the economic and political environment. The manner in which the Nebraska unicameral legislative system responds to these changes depends to a considerable extent upon the outlook of the legislators, but it also depends upon the organization and procedures of the "Unicameral."
NOTES ON CHAPTER II

1. Interview with Senator Terry Carpenter of Scottsbluff, in Lincoln, August 8, 1966.


4. League of Women Voters of Nebraska, op. cit., p. 12.

5. Olson, op. cit., p. 348.

6. Ibid., p. 177.

7. Nebraska Legislative Council, Nebraska Blue Book: 1964, Lincoln, p. 43. (Hereafter cited as Blue Book.)

8. Olson, op. cit., p. 245.

9. Ibid., p. 291.

10. Ibid., p. 347.


12. Ibid., p. viii.


15. Ibid., pp. 104-7.

16. Ibid., pp. 104-5.

17. Ibid., p. 107.
18. Constitution of the State of Nebraska, Article III, Section 2. (Hereafter cited as Nebraska Constitution.)


20. Loc. cit.

21. Ibid., Section 4.


27. Statement by Mr. George Dvorak, Nebraska State Tax Commissioner, on television program, "Face Nebraska," KOLN-TV, Lincoln, Nebraska, July 12, 1966. The State Board of Equalization subsequently lowered this to 10.67 mills, which raised approximately $49 million. Nebraska State Journal, November 22, 1966, p. 6.


31. Lincoln Sunday Journal and Star, July 11, 1965, p. 6B.


37. Letter from Mr. Neale Cottle, Director, University of Nebraska School of Journalism, Lincoln, Nebraska, August 12, 1968.

38. Olson, op. cit., p. 154.


42. Loc. cit.


44. Ibid., January 8, 1965, p. 4.


48. Nebraska Constitution, Article VIII, Section 1A.


51. Nebraska Constitution, Article III, Section 2.


53. Loc. cit.

54. Ibid., p. 552.


60. Olson, op. cit., p. 188.

61. Ibid., p. 351.

62. Loc. cit.


65. Loc. cit.


67. Omaha Sunday World-Herald, July 30, 1967, p. 6B.


69. Ibid., pp. 229-256.

71. Loc. cit.


73. Loc. cit.

74. Loc. cit.

75. Ibid., p. 38.

76. Ibid., p. 1.

77. Ibid., p. 38. Source for the statistics was:
Office of Institutional Research, National Association of
State Universities and Land Grant Colleges.


79. Loc. cit.

80. Interview at Milford, Nebraska, August 6, 1966.


(Hereafter cited as Presidential '68.)


85. Loc. cit.

86. Presidential '68, pp. 1940-41.


88. Olson, op. cit., p. 131.

89. Ibid., p. 127.

90. Ibid., Chapter 18, pp. 229-40, passim.

92. Olson, op. cit., p. 329.

93. Loc. cit.

94. Ibid., p. 340.


96. Interview in Lincoln, September 2, 1966.


98. Loc. cit. Wray Scott is an Omaha businessman dealing in plumbing supplies.


100. Interview at Milford, Nebraska, August 6, 1966.


102. Interview at Fairmont, Nebraska, August 6, 1966.


106. Lincoln Sunday Journal and Star, February 18, 1968, p. 9B.


108. Omaha Sunday World-Herald, July 30, 1967, p. 9B.


117. Loc. cit.
118. Ibid., p. ix.
119. Ibid., p. viii.
120. Ibid., Table 16, p. 29-32.
122. Loc. cit.
124. See Olson, op. cit., p. 348, regarding ethnic assimilation; the statement regarding the Czech Festival is from personal observation.
129. Ibid., pp. 161-2.
CHAPTER III

LEGISLATIVE ORGANIZATION

The Nebraska Legislature, officially the Senate, has forty-nine members. By the terms of a constitutional amendment approved in 1962, approximately one-half the legislators were elected to two-year terms and the rest to four-year terms in 1964, with all members to be elected to four-year terms thereafter. Consequently, approximately one-half the membership of the Senate is now elected every two years.

Legislative sessions in Nebraska are biennial, with the regular session convening on the first Tuesday in January of odd-numbered years. There is no limit to the length of the session, and they have been increasing in length in recent years. No regular session has met for less than one hundred days since the Fifty-eighth, which met for eighty-nine days in 1945.

Special session may be called by the Governor, and no business may be conducted except that for which the special session is called. In addition to this provision, a special session may be called by two-thirds of the members of the Legislature. For a special session to be called by the membership of the Legislature, at least ten members must request the Secretary of State to poll the entire membership
on the question of a special session.5

Table I shows the length of legislative sessions in Nebraska from the Sixtieth (1947) to the Seventy-seventh (1967).

**TABLE I**

**NEBRASKA LEGISLATIVE SESSIONS, 1947-1967**

<table>
<thead>
<tr>
<th>SESSION</th>
<th>CONVENE D</th>
<th>ADJOURNED</th>
<th>DAYS IN SESSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>60th</td>
<td>Jan. 7, 1947</td>
<td>June 6, 1947</td>
<td>105</td>
</tr>
<tr>
<td>61st</td>
<td>Jan. 4, 1949</td>
<td>May 26, 1949</td>
<td>100</td>
</tr>
<tr>
<td>62nd</td>
<td>Jan. 2, 1951</td>
<td>May 26, 1951</td>
<td>102</td>
</tr>
<tr>
<td>63rd (Special)</td>
<td>Apr. 17, 1952</td>
<td>Apr. 24, 1952</td>
<td>7</td>
</tr>
<tr>
<td>64th (Special)</td>
<td>Aug. 27, 1952</td>
<td>Sept. 5, 1952</td>
<td>7</td>
</tr>
<tr>
<td>65th</td>
<td>Jan. 6, 1953</td>
<td>June 13, 1953</td>
<td>113</td>
</tr>
<tr>
<td>66th (Special)</td>
<td>Apr. 20, 1954</td>
<td>May 7, 1954</td>
<td>12</td>
</tr>
<tr>
<td>67th</td>
<td>Jan. 4, 1955</td>
<td>June 17, 1955</td>
<td>114</td>
</tr>
<tr>
<td>68th</td>
<td>Jan. 1, 1957</td>
<td>June 19, 1957</td>
<td>115</td>
</tr>
<tr>
<td>69th</td>
<td>Jan. 6, 1959</td>
<td>June 27, 1959</td>
<td>120</td>
</tr>
<tr>
<td>70th (Special)</td>
<td>Aug. 1, 1960</td>
<td>Aug. 9, 1960</td>
<td>7</td>
</tr>
<tr>
<td>71st (Special)</td>
<td>Dec. 12, 1960</td>
<td>Dec. 19, 1960</td>
<td>7</td>
</tr>
<tr>
<td>72nd</td>
<td>Jan. 3, 1961</td>
<td>July 8, 1961</td>
<td>126</td>
</tr>
<tr>
<td>73rd</td>
<td>Jan. 1, 1963</td>
<td>July 18, 1963</td>
<td>132</td>
</tr>
<tr>
<td>74th (Special)</td>
<td>Oct. 21, 1963</td>
<td>Nov. 23, 1963</td>
<td>24</td>
</tr>
<tr>
<td>75th</td>
<td>Jan. 5, 1965</td>
<td>Aug. 17, 1965</td>
<td>149</td>
</tr>
<tr>
<td>76th (Special)</td>
<td>June 6, 1965</td>
<td>June 13, 1965</td>
<td>7</td>
</tr>
</tbody>
</table>


The information above shows that the length of the last twelve regular legislative sessions ranged from a low of one hundred days in 1949 to a high of 149 days in 1965, with an average of 110 days per session. The 1967 session, although it passed a record number of bills,6 did not meet
as long as the record-setting Seventy-fifth session.

The legislative apportionment problem is of great importance in state legislative bodies. The problem of apportionment is no more easily solved in Nebraska than in any other state, except that there is only one chamber to be apportioned in Nebraska. It is worth noting here that one authority quoted earlier in this study, Charles W. Shull, wrote that at the time of adoption of unicameralism in Nebraska in 1934, the imbalance of legislative representation favored the urban sections of the state. As late as 1960, with no reapportionment having taken place for twenty-five years, in the ratio of largest to smallest district (in population), only four of the ninety-nine state legislative houses in the nation came nearer than the Nebraska Senate to meeting the "one man-one vote" test. In the ratio of the population of the largest district to that of the smallest, only the lower house of Hawaii (2.2) and the upper houses of Arkansas (2.3), Massachusetts (2.3), and Ohio (2.2) had a lower ratio than did the Nebraska "Unicameral" (2.7).

Prior to 1963, the Nebraska Senate had not been reapportioned since the last regular session of the bicameral Legislature in 1935. That session set the membership of the first unicameral Legislature at forty-three. A constitutional amendment approved in 1962 authorized the
Legislature to disregard party lines where necessary and to give not less than 20 per cent nor more than 30 per cent weight to area, while placing "primary emphasis" upon population, in future legislative apportionment. After the 

Baker v. Carr decision in 1962, the 1963 Legislature reapportioned the districts and increased the number to forty-nine. A federal court suit produced a ruling that members could be elected in these districts in 1964, but the Legislature so elected would have de facto status until members were elected in November, 1966, from districts fashioned under a valid apportionment plan to be drawn up by the 1965 Legislature. A reapportionment bill was passed by the Legislature in the 1965 session, but it was declared invalid by the same federal court that had made the previous ruling. The present districts were created by a reapportionment act passed on the last day of the 1965 legislative session and upheld by the court in 1966.

Tables II and III show the legislative districts and their populations when the districts were set up in 1965.
TABLE II

STATE OF NEBRASKA
UNBLAMERAL LEGISLATIVE DISTRICTS

PREPARED BY
FRANK MARSH
SECRETARY OF STATE

Source: Office of Frank Marsh, Secretary of State, State of Nebraska.
TABLE III
NEBRASKA LEGISLATIVE DISTRICT POPULATION, 1965*

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>DISTRICT</th>
<th>DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 29,283</td>
<td>17. 30,233</td>
<td>33. 28,944</td>
</tr>
<tr>
<td>2. 27,950</td>
<td>18. 27,813</td>
<td>34. 28,000</td>
</tr>
<tr>
<td>3. 31,281</td>
<td>19. 30,990</td>
<td>35. 30,266</td>
</tr>
<tr>
<td>4. 28,568</td>
<td>20. 28,629</td>
<td>36. 28,014</td>
</tr>
<tr>
<td>5. 28,503</td>
<td>21. 29,545</td>
<td>37. 29,218</td>
</tr>
<tr>
<td>6. 28,829</td>
<td>22. 29,627</td>
<td>38. 29,784</td>
</tr>
<tr>
<td>7. 28,915</td>
<td>23. 27,532</td>
<td>39. 29,205</td>
</tr>
<tr>
<td>8. 28,825</td>
<td>24. 27,305</td>
<td>40. 29,703</td>
</tr>
<tr>
<td>9. 28,688</td>
<td>25. 26,919</td>
<td>41. 32,242</td>
</tr>
<tr>
<td>10. 28,671</td>
<td>26. 27,276</td>
<td>42. 29,532</td>
</tr>
<tr>
<td>11. 28,640</td>
<td>27. 26,630</td>
<td>43. 26,938</td>
</tr>
<tr>
<td>12. 28,401</td>
<td>28. 26,615</td>
<td>44. 29,907</td>
</tr>
<tr>
<td>13. 28,510</td>
<td>29. 26,971</td>
<td>45. 23,491</td>
</tr>
<tr>
<td>14. 28,363</td>
<td>30. 29,125</td>
<td>46. 26,835</td>
</tr>
<tr>
<td>15. 32,471</td>
<td>31. 27,211</td>
<td>47. 27,620</td>
</tr>
<tr>
<td>16. 29,532</td>
<td>32. 27,260</td>
<td>48. 30,061</td>
</tr>
</tbody>
</table>

1. District 25 includes all of Lancaster County (Lincoln) not included in Districts 26 through 29, and 46, plus the western two tiers of precincts in Cass and Otoe Counties. See Table II map. Letter from Mrs. Betty Person, Research Assistant, Nebraska Legislative Council, December 8, 1967.


As shown by the table of legislative district population, the range is from a high of 32,471 to a low of 26,515 (a ratio of 1.2), with an average population per district of 28,802. The average population of the districts in the urban counties is below the average for the state as a whole. The districts in Douglas County (Omaha) average
and the Lancaster County (Lincoln) districts average 26,941, only 126 more than the population of the smallest district (26,815). Only four of the nineteen Douglas and Lancaster County districts have a population higher than the state average, and these (Districts 6, 7, 8, and 20, all in Douglas County) exceed the average for all districts by small margins, ranging from 23 to 123. This "equality" of representation for the two metropolitan areas of the state is the result of redistricting and increasing the number of seats by approximately 14 per cent. How well the urban representation holds up will depend, of course, upon future growth and future apportionment.

The organization of the Nebraska Legislature is simplified by the nonpartisan feature, although the list of officers is typical of legislative bodies generally. Three of the officers—President, Speaker, and Clerk—are named in the Constitution. The Lieutenant Governor is designated by the Constitution as presiding officer of the Legislature, with authority to vote only in case of a tie. The Speaker is named in the Constitution to preside over the Senate in the absence of the Lieutenant Governor and to replace the Speaker of the House of Representatives and the temporary president of the Senate in the bicameral Legislature. The Clerk of the Legislature replaced the Clerk of the House of Representatives and the Secretary of the Senate of the
two-house system by the terms of the unicameral amendment adopted in 1934.18

There is also a statutory provision for officers and employees of the Legislature which duplicates, in part, the Constitutional provisions. The statute states:

The officers and employees of the Legislature shall consist of a speaker, chief clerk, assistant clerk, sergeant at arms, doorkeeper, enrolling clerk, engrossing clerk, chaplain, and such other officers and employees not exceeding seventy-five in number, as may be deemed necessary for proper transaction of business, such other officers or employees to be elected by the Legislature. Such employees and officers shall be recommended to the Legislature by a committee of five returning members of the Legislature chosen by the membership of the Legislative Council at its last meeting prior to the convening of any regular or special session of the Legislature.19

According to Mr. Hugo Srb, who has been Clerk of the Legislature since the first session of the unicameral Legislature, there has been considerable variation from this statutory provision in practice. The hiring of legislative employees has sometimes been left to Mr. Srb, sometimes to the Executive Board of the Legislative Council, and sometimes to the Employment Committee referred to in the statute.20 Although the Rules of the Nebraska Legislature stipulate that "All employees shall be selected without reference to party affiliation,"21 Mr. Srb acknowledged that there has been some patronage on a district and party basis. However, he characterized the system as "generally
The authority of the Clerk in the selection and control of legislative employees was considerably curtailed by a change in the rules in 1965. The 1963 Rules of the Nebraska Legislature gave the Clerk "authority to select and employ suitable persons for all of the positions which may be determined upon as necessary by the Legislature, and shall have complete supervision and assignment of all employees, including the right to discharge any one or more of them." In 1965, the rule was changed to read: "The Clerk of the Legislature shall have the responsibility to supervise employees once they are hired."

Other conflicts seem to be present between the statutes and the rules of the Legislature, for the Speaker is not recommended to the Legislature by the Employment Committee, and the list of officers given in the rules is different from that in the statute. The rules do stipulate certain functions of the officers in the lawmaking process, although their prestige and influence cannot be fully measured by formal provision in the rules.

The rules list a number of duties and powers of the Lieutenant Governor, as president of the Legislature, that are ordinarily associated with a presiding officer, and also provide that he is a member of the Reference Committee and the Committee on Order and Arrangement.
The duties of the Speaker, in addition to presiding over the Senate in the absence of the Lieutenant Governor, are to serve as Chairman of the Committee on Order and Arrangement\textsuperscript{27} and as a member of the Reference Committee.\textsuperscript{28} In an effort to free the Speaker for more leadership responsibility, the Legislature relieved the Speaker of his regular standing committee assignments in a rules change which went into effect in 1967,\textsuperscript{29} and the notes to the rule on the duties of the Speaker reflect this change. The notes state: "Speaker is co-ordinator for the chairmen of the standing committees" and "Speaker provides floor leadership so as to expedite Legislative processes."\textsuperscript{30}

The Clerk of the Legislature is required to keep a daily journal, supervise employees, report to the Legislature each month on the number of employees and the amount of regular and overtime pay paid to each of them, and to take charge of those areas of the Capitol used by the Legislature, its officers, and employees.\textsuperscript{31} He also keeps the verbatim record of floor debate which is recorded and transcribed for permanent record in the office of the Clerk.\textsuperscript{32} His duties include keeping records of registration, fees, and reports of lobbyists as required by statute.\textsuperscript{33} The Clerk is also secretary of the Sundry Claims Board and the Committee on Intergovernmental Cooperation.\textsuperscript{34} In addition to these specified duties, the Clerk's responsibilities are mentioned
throughout the rules in connection with various parts of the legislative procedure. 35

The duties and responsibilities of the other officers named in the rules—Assistant Clerk, Sergeant-at-arms, Assistant Sergeant-at-arms, Postmaster, and Chaplain—are set forth briefly in the rules, and are typical of the duties of these officers in any legislative body. 36

Committee responsibilities constitute an important part of legislative work and leadership opportunity in Nebraska, as they do in all legislative bodies. An important factor in legislative organization in the Nebraska Senate is the Committee on Committees, which acts as the reference committee for nominations by the Governor 37 and selects all special committees of the Legislature unless it is otherwise ordered. 38 However, its most important function probably is that of selecting members and designating the chairmen of the standing committees and arranging and publishing the schedules of their meetings. 39

The Committee on Committees consists of thirteen members, one at large who is chairman, and three from each of four geographic areas of the state. 40 These areas correspond to the old congressional districts when the state had four Congressmen. 41 The first area includes legislative districts 1, 2, 25 through 33, 37, and 46 in southeast Nebraska, including Lincoln in Lancaster County. The second
geographic division includes Douglas County (Omaha) legislative districts 3 through 14 and 20. Legislative districts 15 through 19, 21 through 24, 34 and 35 in northeast Nebraska make up the third area, and the rest of the state—legislative districts 36 through 49, except for districts 37 and 46,—comprises the other area of representation. This last area makes up approximately the western two-thirds of the state. Senators from the legislative districts in each of these areas nominate the three members to serve on the Committee on Committees, and they are then elected by the full membership of the Senate. It appears that the election is merely a formality; ordinarily a motion is made to accept the recommendations of the district members and the motion is passed without difficulty. The Chairman of the Committee on Committees is elected by the Senate at the time of election of other officers of the Legislature. No evidence was found of legislators publicly announcing their candidacy for the position, but there are reports of some informal campaigning among the members for the post, particularly at the fall meeting of the Legislative Council, and one report states that "...the office of committee on committees chairman often is a hotly-contested one, and, it has been argued, the most important one the new Legislature fills immediately."
The geographic distribution of seats on the Committee on Committees is also followed for the Executive Board of the Legislative Council. All members of the Legislature are members of the Legislative Council, which is required to meet at least once each biennium when the Legislature is not in session. The meetings are held after the November elections in even-numbered years and are attended by the new legislators who were elected in November. The Executive Board of the Legislative Council consists of a Chairman and Vice-Chairman, the Speaker of the Legislature, the Chairman of the Committee on Committees, and one member elected at large. Each district from which members of the Committee on Committees are chosen must be represented on the Executive Board.

The geographic distribution of membership on the Executive Board of the Legislative Council and the Committee on Committees indicates some interest in geography as a basis of representation in the Nebraska Legislature, but not all Senators agree to its importance. One legislator interviewed for this study said geographic representation is not considered important. Senator Hal Bauer of Lincoln said geographic coalitions form for legislative organization but as soon as the organization of the Legislature is completed other coalitions form and break up. Senator John Knight of Lincoln implied that geography was secondary to issues in
saying that although Lincoln's interests would generally be considered to be in line with those of Omaha, he usually lined up with the outstate group on issues. However, speaking as a member of the Committee on Committees in the 1967 session, Knight defended the work of that committee by saying the aim of the committee "was to select those 'deemed best qualified to serve as chairmen and members of each committee and to assure each area of the state proper representation."

In 1965, the Chairman of the Committee on Committees, Senator Elvin Adamson of Valentine, was reported as saying "areas of the state are nearly equally represented" among committee chairmen.

Thus it may be said that although there is official requirement of geographic representation on the Committee on Committees and the Legislative Council Executive Board, geography as a factor in legislative decisions is discounted by some legislators. It appears, however, that Senator Bauer was not talking about the formal geographic representation on these two bodies, but was referring to impromptu coalitions arising over issues that may involve geographic interests. However, representation for geographic interests, as well as others, depends upon their representatives' being in positions of influence, and membership on the standing committees and committee chairmanships are matters of great importance to all legislators in Nebraska's unicameral,
nonpartisan Legislature.

The Rules of the Nebraska Legislature lists seventeen standing committees of the Legislature. Not all of them have bills and resolutions referred to them for regular committee consideration and not all of them have regular meetings. The standing committees, with the number of members, are:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Recreation</td>
<td>8</td>
</tr>
<tr>
<td>Banking, Commerce and Insurance</td>
<td>8</td>
</tr>
<tr>
<td>Budget Appropriation</td>
<td>9</td>
</tr>
<tr>
<td>Education</td>
<td>8</td>
</tr>
<tr>
<td>Enrollment and Review</td>
<td>1</td>
</tr>
<tr>
<td>Government and Military Affairs</td>
<td>8</td>
</tr>
<tr>
<td>Intergovernmental Cooperation</td>
<td>5</td>
</tr>
<tr>
<td>Judiciary</td>
<td>8</td>
</tr>
<tr>
<td>Labor</td>
<td>7</td>
</tr>
<tr>
<td>Miscellaneous Subjects</td>
<td>8</td>
</tr>
<tr>
<td>Public Health and Welfare</td>
<td>7</td>
</tr>
<tr>
<td>Public Works</td>
<td>8</td>
</tr>
<tr>
<td>Reference</td>
<td>3</td>
</tr>
<tr>
<td>Revenue</td>
<td>8</td>
</tr>
<tr>
<td>Rules</td>
<td>5</td>
</tr>
<tr>
<td>Salaries and Claims</td>
<td>7</td>
</tr>
<tr>
<td>Urban Affairs</td>
<td>8</td>
</tr>
</tbody>
</table>

Some of the committees—Reference, Enrollment and Review, Intergovernmental Cooperation, Salaries and Claims, and Rules—have special characteristics as to membership, function, or authority.

The Reference Committee is composed of ex officio members only—Lieutenant Governor, Speaker of the Legislature, and Chairman of the Committee on Committees. The Reference Committee, as the name implies, refers bills and resolutions to standing committees, but it may also send
them directly to General File, "the first general debate stage in the legislative chamber itself." The second committee with special standing is the one-man Committee on Enrollment and Review. It is the responsibility of this committee to correct all engrossed and enrolled bills as to spelling, capitalization, hyphenation, and underscoring, and to change figures to words and words to figures. This committee works closely with the bill drafting service, which has supervision of and provides legal service for the committee.

The Intergovernmental Cooperation Committee does not function as part of the legislative procedure, although it is included in the list of standing committees. It is part of the Nebraska Commission on Intergovernmental Cooperation, which consists of a Governor's Committee and the Legislative Committee. "The functions of the commission are to carry forward the participation of the state as a member of the Council of State Governments, to encourage the adoption of uniform or reciprocal statutes, administrative rules and regulations, and to encourage the informal cooperation of government offices. The Legislative Committee reports to the Legislature and the Governor's Committee reports to the Governor." The Committee on Salaries and Claims is prohibited from considering claims rejected by the Legislature at two
or more sessions, or claims not previously considered by the Sundry Claims Board.60

The Rules Committee, although it does not have regularly scheduled meetings during the session and appears to do most of its work early in the session prior to adoption of the rules for the session, must consider and report on all proposed amendments to the rules.61

A committee that plays an important part in the legislative process, although it is not listed as one of the standing committees, is the Committee on Order and Arrangement. This committee begins to function on the twenty-first legislative day of the session. It reports to the Legislature the order in which bills and resolutions are to be considered on General File, subject to approval by the whole Senate. The committee is composed of the Speaker of the Legislature (who is the chairman), the Chairman of the Committee on Committees, and the Lieutenant Governor, and thus is identical to the Reference Committee in terms of membership.62

There has been some dissatisfaction over the assignment of members to committees and to committee chairmanships. One of the points recently at issue in legislative organization in Nebraska was the assignment of Omaha senators to committees and to their "share" of committee chairmanships. In 1965, and editorial in the Lincoln Evening
Journal referred to complaints from the Omaha delegation about their committee assignments in the 1963 legislative session. The editorial included this statement: "Omahans properly were given chairmanships of three committees and received better committee assignments in 1965 than they were given in 1963 when they appeared to be victims of outstate animosity attached to the reapportionment issue."63

Dr. Adam Breckenridge, political scientist at Nebraska University and author of One House for Two, told this writer that the Omaha senators got "crumbs" in the 1965 session,64 and one Omaha legislator appeared to agree with him, for it was reported in a newspaper story that "Senator Sam Klaver of Omaha said Wednesday that he doesn't think senators from urban areas got a fair shake in the selection of chairmen for the 16 standing committees of the Legislature."65 The senator's displeasure was based upon the fact that he did not receive the chairmanship of the Revenue Committee, but there is reason to conclude that his complaint was based upon a philosophy of taxation as well as upon geography or population representation, for he was quoted as saying: "I believe a majority of Senators on the Revenue Committee support a broadened tax base."66 Dick Herman of the Lincoln Journal described Senator Klaver as "an unswerving foe of tax base broadening for two decades,"67 and went on to say: "For years the Revenue
Committee was the graveyard of tax base broadening measures and there was never enough strength on the floor to revive the bills."68

Senator Adamson of Valentine, Chairman of the Committee on Committees which made the assignments, denied that there was discrimination against the Omaha delegation and contended that the chairmen of the standing committees "were chosen for knowledge in each field,"69 as well as for area representation, an explanation almost identical to the one given by Senator John Knight of Lincoln when Senator Ross Rasmussen of Hooper was deposed as chairman of the Education Committee in 1967. Senator Rasmussen accused the Committee on Committees of engaging in partisan politics in the selection of committee chairmen in that session. As reported in the press, the senator stated: "I think it was obvious that coalitions prior to committee assignments were intermingled with political activity. The results indicate that Democrats in the Legislature did not fare as well in the allocation of committee assignments as in previous sessions."70 Rasmussen, the Democratic candidate for Lieutenant Governor in 1966, contended that "...lawmakers apparently have established an unwritten, unspoken rule that members who seek higher office while serving in the body could be demoted later on."71 Senator Knight, a member of the Committee on Committees in the 1967 session,
denied the charges leveled at the committee by Rasmussen. He said that the committee tried to select the members best qualified to be chairmen and members of the committees and to give area representation and pointed out that the party representation in committee chairmanships was in line with the party makeup of the whole Senate. 72

Senator Rasmussen's assessment of the situation was supported in a newspaper report of the organization of committees in the 1967 session, which stated:

With one very major exception, the Legislature has administered something of a discreet spanking to members who last year sought different elective offices while continuing to cling to their legislative seats.

Taking the biggest rap was Sen. Ross Rasmussen of Hooper.

The unsuccessful Democratic candidate for lieutenant governor was bumped from his Education Committee chairmanship. 73

If Senator Rasmussen was "deemed best qualified" to serve as chairman of the Education Committee in the 1963 and 1965 sessions, it may seem strange that he was not so considered in 1967. Nevertheless, the Committee on Committees is authorized by the Legislature to make these value judgments, however much it may be criticized in individual cases.

In choosing senators for committee assignments and chairmanships, there appears to be a number of factors taken into consideration. Senator Terry Carpenter of Scottsbluff
indicated that personal factors may have some influence, for he was reported as saying he was part of an "imaginary coalition" that "ruled" the Senate in 1965, and while it was the same as the 1963 coalition, it "was 'highly selective' in senators it kept out of key positions this time." According to the newspaper report, Carpenter's view was that "Omaha senators received their share of committee plums, although they were part of what he described as 'the losers.'"75

There is some disagreement among observers as to the importance of seniority in the assignment of members to committee positions. In One House for Two, Dr. Breckenridge wrote: "Seniority practices generally prevail, ... and figure in selections made."76 However, a newspaper account of the maneuvering for legislative leadership positions in the 1967 Legislature carried this statement: "Neither political affiliation nor seniority have, up to now, made significant differences in the selection of top committee posts. After a senator has served at least one full term, he is about on a par with established veterans in the ensuing bargaining."77

Whatever the reasons, there is considerable turnover in committee chairmanships in the Nebraska Legislature. Senator Jules Burbach of Crofton, who was chairman of the Revenue Committee in 1965 (the post Senator Klaver wanted),
was one of only three 1963 chairmen who kept their positions in the 1965 session,\textsuperscript{78} and eight of the sixteen standing committees with appointed chairmen (the Reference Committee is the other committee) had new chairmen in the 1967 session.\textsuperscript{79}

The record shows that in the 1965 Legislature one standing committee chairman was in his first term and five were in their second term, and in the 1967 session two chairmen of standing committees were serving their first term and four were in their second term.\textsuperscript{80} It should be pointed out that one of the first term legislators in 1967 was serving the last two years of a four-year term, and that the Enrollment and Review Committee has been chaired by a freshman legislator in three of the last four sessions.

The following table shows the number of terms (although not necessarily consecutive terms) served in the Legislature by the standing committee chairman selected by the Committee on Committees in the last four regular sessions of the Nebraska Legislature:
### TABLE IV

**LEGISLATIVE SERVICE OF COMMITTEE CHAIRMEN,**
**NEBRASKA LEGISLATURE, 1961-1967***

<table>
<thead>
<tr>
<th>COMMITTEE CHAIRMANSHIP HELD</th>
<th>TERMS SERVED IN LEGISLATURE, INCLUDING THIS SESSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Recreation</td>
<td>31  2  8  3</td>
</tr>
<tr>
<td>Banking, Commerce and Insurance</td>
<td>3   3   2  3</td>
</tr>
<tr>
<td>Budget-Appropriations</td>
<td>71  61  51  4</td>
</tr>
<tr>
<td>Education</td>
<td>2   31  2  6</td>
</tr>
<tr>
<td>Enrollment and Review</td>
<td>1   1   2  1</td>
</tr>
<tr>
<td>Government and Military Affairs</td>
<td>6   2   31  2</td>
</tr>
<tr>
<td>Intergovernmental Cooperation</td>
<td>61  5   3  7</td>
</tr>
<tr>
<td>Judiciary</td>
<td>2   11  3  2</td>
</tr>
<tr>
<td>Labor</td>
<td>31  2   2  2</td>
</tr>
<tr>
<td>Miscellaneous Subjects(^2)</td>
<td>2   2   7  -</td>
</tr>
<tr>
<td>Public Health and Welfare</td>
<td>1   3   101 9</td>
</tr>
<tr>
<td>Public Works</td>
<td>2   3   51  4</td>
</tr>
<tr>
<td>Revenue</td>
<td>61  51  41  3</td>
</tr>
<tr>
<td>Rules</td>
<td>71  6   5  2</td>
</tr>
<tr>
<td>Salaries and Claims</td>
<td>6   2   2  3</td>
</tr>
<tr>
<td>Urban Affairs(^3)</td>
<td>91  8   -  -</td>
</tr>
</tbody>
</table>

| **1.** Same Chairman as in previous session. |
| **2.** Formed as separate committee in 1963. |
| **3.** Committee formed in 1965. |


If seniority is one of the factors considered in designating committee chairmen, it is evidently not the primary consideration, for some members are passed over for these assignments in favor of others who have less service.
of course, some of the members with considerable seniority are removed from the contest for the posts of committee chairmen by their election to other leadership positions—Speaker, Chairman of the Committee on Committees, and Chairman of the Legislative Council. Certainly seniority did not play a major part in the selection process that by-passed Senator Sam Klaver for a committee chairmanship in the 1967 session, for the Omaha senator was the senior member of the Legislature, serving his twelfth term.31

Although the standard of "one man-one vote" clearly established population of the districts as the overriding criterion in the apportioning of legislative seats, there are evidently other interests to be considered in the assignment of positions in the internal organization of the Nebraska "Unicameral." The issue of representation for urban areas was raised by Senator Klaver in his complaint about the chairmanship and the makeup of the Revenue Committee in the 1965 session.

Much of the concern with rural-urban relationships in Nebraska seems to center around Omaha and its relationship to the rest of the state, although Lincoln also is designated as a metropolitan area by the United States Bureau of the Census. However, the fact that they represent the only really urban constituencies does not necessarily mean that the legislative delegations from Omaha and Lincoln take
similar positions in regard to the issues that come before the Legislature. Senator Knight of Lincoln indicated that he was more likely to vote with the outstate group than with the Omaha senators, and on one recent issue of great importance to the state—the broadening of the state tax base to include income and sales taxes—the Omaha and Lincoln delegations were, with one exception, on opposite sides in the vote on final passage in the Legislature. Nevertheless, these two cities are the only real urban centers in the state, and the senators from Omaha and Lincoln will be considered the urban legislators in discussing urban and rural relationships in the organization of the "Unicameral." By this formula, there were fourteen urban senators—ten from Omaha and four from Lincoln—in the 1965 session of the Legislature and seventeen urban legislators—twelve from Omaha and five from Lincoln—in the 1967 session.

Table V shows the rural-urban breakdown on eighteen committees of the Nebraska Legislature in the two sessions that have been held since the "Unicameral" was first reapportioned and the membership increased to forty-nine. The table includes the seventeen standing committees listed in the Rules of the Legislature, plus the important Committee on Committees.
### TABLE V

**RURAL-URBAN RATIO ON COMMITTEES**  
**NEBRASKA LEGISLATURE, 1965 AND 1967**

<table>
<thead>
<tr>
<th>COMMITTEE</th>
<th>Rural</th>
<th>Urban</th>
<th>Urban %</th>
<th>Rural</th>
<th>Urban</th>
<th>Urban %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Recreation</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
<td>4</td>
<td>4</td>
<td>(50.0)</td>
</tr>
<tr>
<td>Banking, Commerce and Insurance</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
</tr>
<tr>
<td>Budget Appropriation</td>
<td>7</td>
<td>2</td>
<td>(22.2)</td>
<td>5</td>
<td>4</td>
<td>(44.4)</td>
</tr>
<tr>
<td>Committee on Committees&lt;sup&gt;1&lt;/sup&gt;</td>
<td>9</td>
<td>4</td>
<td>(30.8)</td>
<td>10</td>
<td>3</td>
<td>(30.0)</td>
</tr>
<tr>
<td>Education</td>
<td>6</td>
<td>2</td>
<td>(25.0)</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
</tr>
<tr>
<td>Enrollment and Review</td>
<td>0</td>
<td>1</td>
<td>(100)</td>
<td>0</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Government and Military Affairs</td>
<td>6</td>
<td>2</td>
<td>(25.0)</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
</tr>
<tr>
<td>Intergovernmental Cooperation</td>
<td>4</td>
<td>1</td>
<td>(20.0)</td>
<td>4</td>
<td>4</td>
<td>(50.0)</td>
</tr>
<tr>
<td>Judiciary</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
<td>4</td>
<td>32</td>
<td>(42.9)</td>
</tr>
<tr>
<td>Labor</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
</tr>
<tr>
<td>Miscellaneous Subjects</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
</tr>
<tr>
<td>Public Health and Welfare</td>
<td>6</td>
<td>2</td>
<td>(25.0)</td>
<td>5</td>
<td>22</td>
<td>(28.6)</td>
</tr>
<tr>
<td>Public Works</td>
<td>7</td>
<td>1</td>
<td>(12.5)</td>
<td>7</td>
<td>1</td>
<td>12.5</td>
</tr>
<tr>
<td>Reference</td>
<td>2</td>
<td>1</td>
<td>(33.3)</td>
<td>2</td>
<td>1</td>
<td>(33.3)</td>
</tr>
<tr>
<td>Revenue</td>
<td>7</td>
<td>1</td>
<td>(12.5)</td>
<td>6</td>
<td>2</td>
<td>(25.0)</td>
</tr>
<tr>
<td>Rules</td>
<td>4</td>
<td>1</td>
<td>(20.0)</td>
<td>4</td>
<td>1</td>
<td>(20.0)</td>
</tr>
<tr>
<td>Salaries and Claims</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
<td>4</td>
<td>32</td>
<td>(42.9)</td>
</tr>
<tr>
<td>Urban Affairs</td>
<td>5</td>
<td>3</td>
<td>(37.5)</td>
<td>4</td>
<td>4</td>
<td>(50.0)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>93</strong></td>
<td><strong>39</strong></td>
<td>(29.5)</td>
<td><strong>83</strong></td>
<td><strong>46</strong></td>
<td>(35.7)</td>
</tr>
</tbody>
</table>

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1. Not included as a standing committee in Rules of the Nebraska Legislature.

2. Changed from 8 to 7 members in the 1967 session.

*Source: Nebraska Legislature, Roster, 1965 and 1967.*
A number of differences among the committees included in Table V were considered in arriving at the breakdown used in the examination of the data contained in the table.

Except for the Committee on Committees, all are official standing committees of the Legislature. With two exceptions--Committee on Committees and Reference Committee--the members are assigned by the Committee on Committees. With the same two exceptions, the committee chairmen are also chosen by that committee. Thirteen of the standing committees handle bills and resolutions in the formal deliberative process. The exceptions are the committees on Reference, Rules, Intergovernmental Cooperation, and Enrollment and Review. The latter is a single-member committee to which bills and resolutions are referred, but only for the purpose of correcting the spelling, grammar, punctuation, and wording.

Because of the importance of the committees which handle bills and resolutions, these committees are considered separately in the discussion of the data in Table V. The others are designated as special committees.

The determination of what constitutes a "fair" proportion of seats for urban legislators is based upon their percentage of the senate membership and the proportion of the population represented by them. Although the first standard alone might be used, if the urban areas are underrepresented
in the senate, the use of that standard in committee assignments only adds to the inequity. Consequently, the second factor was added. In only one case did the urban percentage on a committee fall between these figures, and that was on the three-man Reference Committee.

The thirteen committees which handle bills and resolutions are: Agriculture and Recreation; Banking, Commerce and Insurance; Budget-Appropriation; Education; Government and Military Affairs; Judiciary; Labor; Miscellaneous Subjects; Public Health and Welfare; Public Works; Revenue; Salaries and Claims; and Urban Affairs. All of these committee chairmen are appointed by the Committee on Committees.

The special committees are: Committee on Committees, Reference Committee, Committee on Intergovernmental Cooperation, Committee on Enrollment and Review, and Rules Committee. All of these except the Committee on Committees are listed as standing committees in the Rules of the Nebraska Legislature, and three of the five committees—Intergovernmental Cooperation, Enrollment and Review, and Rules—have appointed chairmen. The chairman of the Committee on Committees is elected by the full Senate, and there is no provision in the rules for a chairman of the Reference Committee, which is composed of ex officio members only.
In 1960, the combined populations of Omaha and Lincoln comprised 30.5 per cent of the population of the state. In the 1965 session of the Legislature, which was apportioned on the basis of the 1960 census, the delegations from Omaha and Lincoln made up approximately 28.6 per cent of the "Unicameral" and 29.5 per cent of the membership of the standing committees which handle bills and resolutions—31 of the 105 members. On seven of these committees—Agriculture and Recreation; Banking, Commerce and Insurance; Judiciary; Labor; Miscellaneous Subjects; Salaries and Claims; and Urban Affairs—the Omaha and Lincoln delegations had a greater proportion of the membership of each committee than their proportion of the state population or their proportion of the Senate membership would entitle them to have. Their representation fell below that standard on six committee—Budget-Appropriations; Education; Government and Military Affairs; Public Health and Welfare; Public Works; and Revenue.

Three of the special committees have an important influence upon legislative policy and the legislative product through their functions in regard to organization and procedure. These committees are the Committee on Committees, the Reference Committee, and the Rules Committee. Only the Rules Committee had a significant imbalance in favor of rural legislators in 1965; the Committee on
Committees was very close to the state rural-urban ratio and the Reference Committee was as close to being representative of the rural-urban division in the state as was possible with three members. The Enrollment and Review Committee has only one member, and the Committee on Intergovernmental Cooperation was only slightly overweighted in favor of rural senators.

Legislative committees are not equal in power and prestige and legislators are not equal in influence. Therefore, numbers alone are not necessarily indicative of the "fairness" of committee assignments. As shown by Table V, page 97, the most obvious cases of urban under-representation in the Nebraska Legislature in 1965 occurred on the committees on Budget-Appropriation, Public Works, and Revenue. Dr. Adam Breckenridge's characterization of the Omaha delegation's committee assignments in 1965 as "crumbs" is supported by the fact that the ten-man delegation from Nebraska's largest city was represented by only one member of each of the following committees: Budget-Appropriation, Public Health and Welfare, Public Works, Revenue, and Urban Affairs. Thus 20.4 per cent of the membership of the Senate, representing 21.4 per cent of the state population, held 20.9 per cent of the seats on all standing committees which handle bills and resolutions but only 12.2 per cent of the membership of these important
committees. Furthermore, on three of these committees—Budget-Appropriation, Public Works, and Revenue—the Omaha representative was a freshman legislator. When the Lincoln senators are added to the Omaha representation on these five committees, it is shown in Table V, page 97, that the urban representation consists of nine of the 41 members, or approximately 21.9 per cent, which is below the urban population’s "fair share" of the seats.

On the whole, it appears that in terms of numerical representation, the senators from Omaha and Lincoln were not treated badly in committee assignments in 1965, but that in qualitative terms, there seems to be justification for dissatisfaction among urban legislators in regard to their committee assignments. From their point of view, in committees which handle bills and resolutions, there was some improvement in the 1967 "Unicameral."

According to a study made by the Bureau of Business Research of the University of Nebraska, the Omaha and Lincoln proportion of the population of Nebraska was 31.8 per cent in 1966. In the 1967 Legislature, this 31.8 per cent of the population was represented by 34.7 per cent of the Senate and 42.4 per cent of the committees to which bills and resolutions are referred. On the basis of their proportion of the state population and their proportion of the Senate, Table V, page 97, shows the urban
centers of Nebraska to be overrepresented on ten of these committees and underrepresented on three. Urban overrepresentation occurred on these committees: Agriculture and Recreation; Banking, Commerce and Insurance; Budget-Appropriation; Education; Government and Military Affairs; Judiciary; Labor; Miscellaneous Subjects; Salaries and Claims; and Urban Affairs. The three committees showing underrepresentation for urban areas were Public Works, Public Health and Welfare, and Revenue, although the urban proportion of the membership of the latter two committees was greater in 1967 than it was in the 1965 session.

Except for the Committee on Committees, where the rural-urban division was changed from 9-4 in 1965 to 10-3 in 1967, the urban proportion of the seats on the special committees remained unchanged from 1965 to 1967.

The overall picture of committee assignments shows that relative to 1965, the 1967 representation for urban areas was considerably improved, both quantitatively and qualitatively, even though the Committee on Committees, which made the assignments, was more heavily weighted in favor of rural legislators in 1967 than it was in 1965.

The situation in regard to rural-urban relationship in committee chairmanships in 1965 and 1967 was somewhat different from that regarding positions on committees. Among the committees which handle bills and resolutions,
urban legislators held four chairmanships, or 30.8 per cent, in 1965 and only two chairmanships—15.4 per cent—in 1967. Of the four committees with urban chairmen in 1965—Judiciary, Labor, Public Health and Welfare, and Urban Affairs—only the Labor Committee and the Urban Affairs Committee retained urban chairmen in the 1967 session, and no committee chairmanship was changed from rural to urban from 1965 to 1967.

Among the four special committees for which chairmen are designated, only the one-man Enrollment and Review Committee had an urban chairman in either session, and the chairman of that committee was a freshmen urban senator in both the 1965 and 1967 sessions.

Of the seventeen committees in the 1965 session (including the Committee on Committees and excluding the Reference Committee), urban legislators held the chairmanships of five, or 29.4 per cent, which is slightly above the urban membership in the Senate in that session and slightly below the percentage of the population represented by the urban senators. In 1967, the urban legislators, making up 34.7 per cent of the Senate, held only three chairmanships, or 17.6 per cent. This is only slightly more than half of the percentage of total population represented by the urban senators and barely more than half of their percentage of the Legislature. In terms of influence
upon legislation, the urban position was weaker than the figures indicate, for the Committee on Enrollment and Review is hardly comparable to other committees in that respect.

Of the eighteen committees included in Table V, page 97, the record shows that relative to 1965, the 1967 representation for urban senators was increased on ten committees, remained unchanged on seven (including Enrollment and Review), and was decreased in only one case (Committee on Committees). In committee chairmanships, the situation was reversed, with the five urban chairmanships in 1965 being reduced to three in 1967.

With a Nebraska University Bureau of Business Research report showing that the urban population of the state increased considerably more than the rate of the state as a whole from 1960 to 1966, there will be increased interest in the rural-urban ratio in the Legislature. Senator George Gerdes of Alliance estimated in 1966 that Douglas County would have 14 or 15 seats by 1970. The county already had 13 seats in 1967, but it may be that more concerted effort to get even more urban representation will come after the 1970 census. Regardless of the outcome of that effort, the internal organization of the Nebraska "Unicameral" will continue to be a matter of personalities as well as of area representation. The
Legislature of Nebraska does not appear to differ greatly
from other legislatures in that respect.

Legislative organization in Nebraska is affected to
some degree by the distinctive features of the Legislature.
Compared with bicameral legislatures, apportionment of the
"Unicameral" is simplified, although it is a problem in
Nebraska, also. The nonpartisan character of the Nebraska
Legislature has both advantages and disadvantages for
organization. On the one hand, by removing party positions
from consideration, it reduces the organizational work to
be done in each session, and, theoretically, bases the
choice for leadership upon factors other than the party
division in the Senate. On the other hand, disagreements
over such matters as committee assignments and representa-
tion tend to involve the entire Legislature in the contro-
versy rather than to confine them to party councils. On the
whole, however, the problems of legislative organization in
Nebraska appear to be those common to legislative bodies in
general.

Once organized, the Legislature turns to the con-
sideration of issues and the procedure for handling the
legislative business that comes before it.
NOTES ON CHAPTER III

1. Constitution of the State of Nebraska, Article III, Section 7. (Hereafter cited as Constitution of Nebraska.)


3. Constitution of Nebraska, Article IV, Section 8.


6. Omaha World-Herald, July 30, 1967, p. 6B.


9. Behind These Doors: The Story of Nebraska’s Unicameral Legislature, Depth Report No. 1, Lincoln, University of Nebraska School of Journalism, 1961, p. 21.

10. Constitution of Nebraska, Article III, Section 5.


15. Constitution of Nebraska, Article III, Section 10.
16. Loc. cit.
17. Ibid., Section 1.
23. Rule 3, Section 7(b).
25. Rule 14, Section 1.
27. Loc. cit.
28. Rule 14, Section 1.
30. Rule 3, Section 6.
31. Rule 3, Section 7.
32. Rule 4, Section 12.
35. Rules, passim. This includes such things as receiving reports, reading various documents, reports, and statements, printing correctional bills, transmitting information, announcing and recording votes, and distributing material to members.
36. Rule 3, Sections 8-12.
37. Rule 14, Section 2.
38. Rule 5, Section 3.
39. Rule 5, Section 2.
40. Loc. cit.
42. Rule 5, Section 1.
43. Nebraska Legislative Journal, Seventy-seventh Session, 1967, Vol. I, pp. 9-10. (Hereafter cited as Legislative Journal.) The procedure described has been followed in the last four sessions.
45. Loc. cit.
47. Revised Statutes of Nebraska, 1965, Supplement, 50-401.01, p. 1220.
49. Interview in Lincoln, July 22, 1966.
53. Rule 5, Section 2.
54. Rule 14, Section 1.
55. Loc. cit.
57. Rule 5, Section 6.
58. Rule 5, Section 5.
60. Rule 5, Section 7.
61. Rule 17.
64. Interview in Lincoln, August 3, 1966.
66. Loc. cit.
68. Loc. cit.
71. Loc. cit.
75. Loc. cit.
76. Breckenridge, One House for Two, p. 16.
77. Lincoln Sunday Journal and Star, November 27, 1966, p. 2B.
The report shows the state population increase to be 7.3 per cent, from 1,411,330 in 1960 to 1,516,044 in 1966. The urban population increased approximately 12 per cent during that period. Douglas County increased 16.5 per cent; Lancaster County’s increase was 13 per cent.

98. Interview in Lincoln, August 9, 1966.
Legislature procedure in Nebraska is conducted under rules which the Legislature may change each session, except for those rules of legislative procedure contained in the state constitution. A number of rules are simply re-statements of constitutional provisions, some of which are concerned with legislative organization and duties of officers and some with specific procedural details.

Article III, Section 10, of the Constitution of Nebraska provides that the Lieutenant Governor shall preside over the Legislature, voting only in case of a tie, and shall sign, in the presence of the Legislature, all bills and resolutions passed by that body. The same section designates the Speaker of the Legislature as the presiding officer in the absence of the Lieutenant Governor, prescribes a majority of the Legislature for a quorum, and provides that a two-thirds majority of the Legislature is necessary to expel a member and that no member may be expelled more than once for the same offense.

Section 11 of Article II of the constitution requires the Legislature to keep and publish a Journal of its proceedings and to enter therein, at the desire of any member, the yeas and nays of any question before the Senate.
The constitution specifies the style of all bills and states that each bill and resolution shall have two readings, by title when introduced and in full before final passage. The same provision stipulates that a bill may contain only one subject and that subject must be clearly expressed in the title. Under the constitution, the Legislature may not vote on final passage of a bill until five legislative days after its introduction and one legislative day after it is put on file for final passage, and the yeas and nays on final passage shall be entered in the Journal.

Except for the relatively minor requirement that constitutional amendments proposed by the Legislature be printed in the Journal, the other rules for legislative procedure contained in the constitution are concerned with the method of handling bills containing the emergency clause on Final Reading and with the executive veto power and the Legislature's consideration of bills vetoed by the Governor.

The internal legislative process in Nebraska operates under Rules of the Legislature which incorporate the constitutional limitations discussed above. These rules prescribe the conditions and procedural system under which legislative business is conducted.

The Nebraska Legislature meets in the morning,
convening at 9:00 A.M. and adjourning not later than 1:00 P.M., unless otherwise ordered by the Legislature itself. Presence of members at legislative sessions is required, unless a member is excused by the Senate.

Formal procedure in the Legislature has two major aspects: (1) the daily conduct of business, and (2) the steps involved in the consideration of matters before the Legislature.

The rules provide that the following order of business shall be observed:

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the journal
d. Petitions and memorials
e. Notice of committee hearings
f. Bills on Final Reading
g. Reports of standing committees
h. Reports of select committees
i. Resolutions
j. Introduction of bills
k. Bills on First Reading by title
l. Reference of bills to committees on a day subsequent to First Reading
m. Consideration of bills on Select File
n. Motions to reconsider
o. Motions to advance bills from committees
p. Other pending motions
q. Unfinished business, including messages on the President's desk
r. Special order of the day
s. Consideration of bills on General File
t. Miscellaneous business

Messages from the Governor may be received at any time, "except when a question is being put, the yeas and nays are being called for, the ballots are being counted,
or a question of order or a motion to reconsider is pending."19

For the most part, legislative rules of procedure are designed to maintain order and to insure adequate consideration of matters before the body in the conduct of business, although there may also be other purposes. Former Governor Robert L. Cochran, who was in office when the unicameral system was put into operation in Nebraska, stated in an address to the Governor's Conference in 1937 that the dominant purpose of the rules adopted by the first unicameral session was "to fix legislative responsibility."20

The objective of fixing legislative responsibility is evident in the provision that one member can require a record vote on any motion before the Legislature. Legislative responsibility is also fixed by the stipulation that all votes on final passage of a bill or a resolution requiring the same consideration as a bill "shall be by yeas and nays, and this rule shall not be suspended."21

An example of a rule designed to maintain order in the Nebraska Legislature is the one limiting debate. No member may speak more than twice, nor for more than ten minutes each time, on any question in debate on any legislative day, without permission of the Legislature, except that the mover, proposer, or introducer of the question may
reply to debate after all other members have had an opportunity to speak on the matter. 22

Except for the names used for some of the steps in consideration of legislation, the procedure for handling bills and resolutions in Nebraska does not differ greatly from that followed by most legislative bodies, except, of course, that it does not have to be repeated by a second house.

The stages in consideration of a bill in the Nebraska Legislature are shown on the following chart:

**COURSE OF A BILL IN THE NEBRASKA LEGISLATURE**

1. Bill Prepared by Bill Drafter
2. Introduced (Filed with the Clerk of the Legislature)
3. Numbered, Read by Title
4. Reference Committee
5. Standing Committee (or to General File)
6. Public Hearing
7. Committee Report
8. General File (or Indefinite Postponement)
9. Debate (Read Section by Section, Open to Amendments)
10. Enrollment and Review (or Indefinitely Postponed)
11. Select File
12. Enrollment and Review for Engrossment (or Recommitted or Indefinitely Postponed)
13. Final Reading (Read in Full, Record Vote)
14. To Enrollment and Review for Enrollment (or Killed)
15. To Governor
16. Signed or Passed without Governor's Signature (or Vetted)
17. Veto Overridden or Sustained
18. To Secretary of State if Overridden

*Adapted from Hugo Srb, Course of Bill in Nebraska Legislature, Lincoln, Office of Clerk of the Legislature, 1953-64.*
Such outlines serve only to indicate the various checkpoints along the path of legislative measures. The actual operation of the Legislature in the introduction, consideration, and disposition of proposed legislation is a great deal more complicated than the chart indicates. However, the chart serves to provide points of reference in a discussion of the procedure that is followed in Nebraska's unicameral Legislature.

**INTRODUCTION**

The introduction of bills is apparently not always the mere formality of a member's introducing proposed legislation of his own or of his constituents' liking. Members of the Nebraska Legislature are restricted to introducing "only such bills as they are willing to endorse and support personally." The legislative rule which requires that a bill may contain only one subject is simply a repetition of the constitutional wording on that subject. The introducer of any bill referred to a standing committee must submit a written statement to the committee to which the bill is referred, giving the reason for introducing the bill and its objective. The rules further provide: "No bill shall be introduced unless it has been approved as to form and draftsmanship by the bill drafter."

The introducer of a bill may not be the originator of the measure. Senator Terry Carpenter of Scottsbluff made
this statement: "All important legislation is given to the senators--they don't write it."27 Mr. Hugo Srb, Clerk of the Legislature, made a similar statement. He said lobbyists write bills and give them to the legislators, who take them to the bill drafter.28

It is not uncommon for a number of members to be named as co-introducers--or, to use another term, co-sponsors--of a bill. Sometimes co-introducers are listed when the bill is introduced; in some cases they are added by unanimous consent after the bill has been introduced by others. For example, in the 1963 session of the Legislature, eighteen members were allowed to add their names to the three original co-introducers of one bill,29 and twenty-two joined the original signers of another, which meant that a majority of the members of the Legislature were co-introducers of the latter measure.30

According to one senator, the rule requiring endorsement and support of a bill by the member who introduces it and the rule allowing co-introducers to be added after original introduction make it possible for some "legislative strategy" to be used. Senator Ross Rasmussen of Hooper pointed out that a member might kill a bill by introducing it and then failing to support it, although it is a violation of the rules. Some legislators may try to keep other members from adding their names as co-sponsors of
bills they introduce, for the co-sponsors may hurt the chances of the bill by withdrawing their names later.\textsuperscript{31}

Furthermore, co-introducers must give their consent before a bill can be withdrawn,\textsuperscript{32} so it may be impossible for a senator to withdraw a bill that he can no longer support. However, examination of the \textit{Journal} for the last several sessions does not reveal any case of refusal of permission to withdraw a bill, and one legislator interviewed for this study did not think that the withdrawal of a member as sponsor of a bill would affect his own vote on the measure.\textsuperscript{33}

One member of the Legislature suggested that the rule requiring support of a bill by the senator introducing it is not always observed. The member stated that another senator simply takes a handful of bills from the Governor's desk and introduces them without even knowing what is in them.\textsuperscript{34}

Another senator said of the same member that he introduces many bills so that other senators will not know what he is doing or what he wants, and that he wanted only about ten per cent of the bills he introduced in the 1965 session.\textsuperscript{35}

However, it is to be noted that wanting a bill passed and being willing to support and endorse it may be entirely different things. For example, an individual senator might want a bill passed for the purpose of embarrassing the Governor, although the legislator may not support the bill
personally. It is also possible for legislators to want bills passed for partisan reasons, or to put other legislators "on the spot" for some reason or another. It seems to be a virtual impossibility to enforce a rule requiring personal support and endorsement of a bill, regardless of the intent of the rule.

Individual legislators may not introduce bills after the twentieth day, except on request of the Governor, but committees may do so if a majority of the committee members and three-fifths of the legislators approve. This rule evidently does not preclude individual senators from getting their bills introduced after the twentieth day, for a report by a Legislative Council committee in 1956 included this observation: "As it now stands senators sometimes go from committee to committee until they find one willing to introduce their bills after the period for introduction of bills has expired." Success in this search for an accommodating committee does not assure introduction, however, for the Legislature appears to be somewhat selective in the measures it permits committees to introduce. In the 1963 session the Revenue Committee was granted permission to introduce a bill to reduce the percentage of discount allowed to wholesalers for affixing and cancelling stamps, and another to allow state government agencies to buy insurance on real estate, but on the same day the
committee was denied permission to introduce two bills—one to tax amusements receipts and the other to tax coin operated cigarette machines. The Legislative Council report quoted above concluded that most bills introduced after the twentieth day "are of some importance and that the volume is not overly large."

The practice of trying to persuade committees to introduce bills for individual members was the target of a rules change in 1967. A press account of the change states:

The Legislature has changed its rule to require that bills introduced henceforth by committees be germane to the subjects assigned to such committees. The vote was 30-11.

The purpose, Rules Committee Chairman Arnold Ruhnke of Plymouth said, is to stop the practice of senators going from committee to committee seeking sponsorship of late-drafted legislation.

Since 1959, the number of bills introduced after the twentieth day has shown considerable increase. In 1955 the number was 25; in 1957 it was 36. The total jumped to 65 in 1959, and there were 67 in 1961 and 68 in 1963. In 1965, there were 110 bills introduced after the deadline for introduction by individual members, and in the 1967 session 116 bills were introduced after the twentieth day.

There is ordinarily a flurry of bill introduction on the last day for individual members to introduce them. In the 1965 session, the Legislature overthrew precedent and voted to extend the period for individuals to introduce
bills to include the twenty-first and twenty-second legislative days, and 156 bills, or 16.8 per cent of the total for the session, were introduced on those two days. The extension was not granted in the 1967 session, but in that session, 213 bills were introduced on the twentieth day, and during the period of reading the titles of bills on First Reading, the Clerk and Assistant Clerk alternated in reading the titles of the 213 bills.

Suggestions that the legislators be more discriminating in the bills they introduce have apparently not been successful. In 1953, a senator moved that the Rules Committee study the possibility of reducing the number of bills and screening those that were introduced. In the words of a newspaper report of the session: "But he had no support. On a machine vote only one light showed either way. It was Sen. Syas of Omaha voting 'no'."

COMMITTEE ACTION

After introduction, the next important step in consideration for most bills is action by a standing committee. Ordinarily, after a bill is introduced, numbered in the order received, and read by title, it will go to the Reference Committee to be referred to a standing committee. However, under the rule adopted in 1965, the Reference Committee may also refer bills directly to General File. Until this rule change, all bills went to committee and all
had to be given a public hearing, regardless of their importance. Standing committees must still hold hearings on bills referred to them, and five days' notice is required.46 Those bills referred directly to General File will not have a public hearing unless a member of the Legislature requests it, in which case the bill is sent to a standing committee.47 Of the 31 bills referred directly to General File by the Reference Committee in the 1965 session, only three were later referred to a standing committee.48

Although committees are required by the rules to "consider and report without delay all bills and resolutions referred to them,"49 there are differences of opinion concerning the actions of the committees and the role of the committee chairmen. One writer stated: "Bills are referred to appropriate committees and there is little evidence of attempts to assign bills to a sure grave or to insure success in a favorable committee by violating the rule of standard committee assignment based upon the nature of the subject of the bill."50 However, one committee chairman implied that bills are not always referred to "appropriate" committees when he said that the Reference Committee has "great power" because it refers bills to committees.51 Senator Stanley Matzke of Milford spoke of a senator "by-passing" the Budget Committee in order to get a piece
of legislation passed.52

The rules provide checks against obstructive action by the chairman or the committee, for a bill must be reported within eight days after the committee has acted upon it,53 and if the committee does not act upon a bill, a simple majority of the Senate can require a report from the committee after twenty legislative days.54 However, one senator remarked that although a committee can vote to report a bill, it does not come out until the chairman decides to report it.55

Much of the criticism that has been directed at the committee system in Nebraska has been based not so much upon alleged or suspected arbitrary action by the leadership or by the committees themselves, but upon the rule requiring public hearings on all bills. This requirement, considered by some to be a highly desirable check upon irresponsible handling of legislation, created problems from the beginning of the unicameral Legislature. In an article which appeared in State Government soon after the first unicameral session adjourned in 1937, one legislator commented upon the consequences of giving all bills the same consideration:

The unicameral received most of its criticism from the length of the session, and rightfully so. The checks provided in the law and the rules against hasty legislation are desirable and proper. In my opinion, the cause of the delay lies with the standing
committees—their failure to report out important legislation. Chicken feed bills were turned out while important measures languished until late in the session and then were sped through without proper consideration. The unicameral has not overcome this objectionable feature of the bicameral legislature.56

Nearly twenty years later, the Legislative Council report, Legislative Processes, included this observation:

These recommendations are based on the feeling that much of the lost motion in the legislative machinery is on the committee level. Too much time is wasted in the holding of committee hearings. For example, a committee might schedule four non-controversial bills for hearing on one day, and then be through by 2:30 in the afternoon.57

The situation is not improved greatly by the 1965 rule change, for, as noted previously, only 31 of 937 bills were sent directly to General File by the Reference Committee, thus discussion of the procedure used prior to 1965 is still relevant.

The requirement of a hearing on each bill referred to committee seems to cause difficulty in planning the work of the Legislature, aside from the time consumed on the minor bills themselves. The Clerk of the Legislature, who agrees that too much time is spent on "chicken feed" bills, feels that the Legislature passes too many bills. As he put it, "They try to please everybody."58 He stated that he tried to schedule bills with committees so that important ones would be done first, the important ones being those from the Legislative Council, Judicial Council, Governor, and committees.59
One senator, a freshman legislator himself in the 1965 session, commented that freshman senators, being more idealistic than some of the others, "let a lot of bills get back on the floor that should have been killed in committee."60

A major disadvantage of trying to give equal attention to all bills in the consideration process is that the time it consumes may mean many bills are not considered at all. Mr. Srb pointed this out when he said: "Along in May you will have a motion to kill all bills not yet reported by committees. In giving equal attention to all of these bills, you may kill a number of good, important ones."61 It seems, then, that the problems connected with public hearings on all bills referred to committee remain unresolved.

The requirement of a public hearing for all bills referred to committee does not mean that all committee work is conducted in public. Standing committees of the Legislature are authorized to hold executive sessions. The rule providing for such sessions is evidently written to offset press criticism and yet maintain the freedom of discussion and voting that executive sessions are designed to provide. The rule reads:

"Members and reporters of regularly accredited newspapers, press associations, and radio and television stations shall be admitted to executive sessions of the
standing committees, and such reporters and members of such committees shall respect as confidential the discus-
sions and voting of other members of any standing
committee.62

Each standing committee of the Legislature must keep
a record of its proceedings (except executive sessions), and
any two members may demand a roll call vote on the question
of reporting a bill.63 Committees must also submit a
statement of the purpose of any bill they report, including
the reason for reporting it as they do, and the minority
view, if any.64

When reporting a bill, a committee recommends that it
be placed on General File for further action or that it be
indefinitely postponed.65 If the recommendation is to
indefinitely postpone, the Legislature may place the bill on
General File or send it back to the standing committee "by
a majority vote of all the elected members upon motion made
within three legislative days after the committee makes its
report to the Legislature, or by a two-thirds vote of all
elected members upon motion made more than three days after
such committee report."66 The motion to recommit a bill to
the committee in this manner must be disposed of within five
legislative days or it is considered defeated.67 In this
case, a motion to recommit a bill to committee is a motion
to save the bill. Ordinarily, such a motion in legislative
institutions is an attempt to kill the bill in question.
The bills that are reported favorably go to General File, a general debate stage which corresponds somewhat to the Committee of the Whole in other legislative bodies. A bill on General File is read section by section and is open to floor amendments after those recommended by the standing committee are considered. Amendments must be germane to the subject of the bill, and individual members of the Senate who submit proposed amendments to bills on General File must present them in writing.

Bills on General File, with the exception of general appropriations bills, which are privileged under the rules, are considered in the order established by the Committee on Order and Arrangement. In 1967, this committee established a system of priorities for bills on General File. First priority was given to general appropriations bills, second priority to resolutions that are handled in the same way as bills, third priority to revenue bills, and fourth priority to bills which result in a need for appropriations. All others were to be considered in the order in which they were reported by committees. This system of priorities may go a long way toward correcting the alleged shortcomings of the unicameral Legislature mentioned above—failure to report out important legislation and spending too much time on minor bills.
Consideration on General File is a major hurdle for proposed legislation. Here the bill is publicly defended, attacked, and amended. Rules of the Legislature require that "A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved, under the direction of the Clerk."72

Some of the senators interviewed for this study did not seem to attach much importance to debate on the floor, as far as affecting the vote is concerned. Senator Eric Rasmussen of Fairmont expressed the view that debate might change some minds on minor issues, but probably not on major ones. He stated that he thought about fifty per cent of floor debate is delivered with the press in mind. However, he pointed out that the recording of debate is important for showing intent of bills, and some of the debate is carried on with this end in mind.73

Mrs. Fern Hubbard Orme felt that not much is accomplished by floor debate, for much of it is simply thinking out loud. Since it is usually an opinionated expression, it doesn't sway many people.74

Senator Hal Bauer of Lincoln, although he did not comment upon the effect of debate itself, indicated disapproval of the maneuvering that takes place, particularly the amending of bills on the floor. He felt that this hurts
the committee system, for some of the amendments are
designed to hurt the bill rather than to improve it, and
some are offered for the purpose of killing the bill.75

Maneuvering on the floor is not limited to the
offering of amendments, but may be applied to the bill
itself. A member may vote in committee to advance the bill
to General File rather than to postpone it indefinitely,
and then oppose the bill on the floor. An example of this
occurred in the 1965 session when the Legislature was con-
sidering the controversial Liberty Amendment, which would
amend the federal constitution to remove the federal govern-
ment from any business, financial, commercial, professional
or industrial enterprise not specified in the Constitution
of the United States. The chairman of the committee which
voted to advance the resolution to General File included
the following information in the statement filed with the
committee report:

After a thorough and complete hearing some of the
members of the Judiciary Committee who voted to advance
the bill to General File felt that the entire Legisla-
ture deserved to hear it, although I am sure that at
least two or three of these five members will probably
vote against Resolution # 9 when it is debated on the
floor. Nevertheless, the Committee advanced Resolution
# 9 to General File by a vote of 5-2, one not voting.76

On the roll call vote on the floor, Senator Frank
Nelson was the only member of the committee to vote for the
resolution; the other seven members voted for indefinite
postponement.77
Senator Terry Carpenter of Scottsbluff, who introduced the Liberty Amendment, was quoted in a press account as saying, "I introduced the thing, not because I believed in it, but because I thought it was an issue that should have been heard." In his announcement that he would not reintroduce the proposed amendment, Mr. Carpenter said that he would "eagerly await in the next session those birddogs who are still for it." Thus it appears that the introduction of the Liberty Amendment, like the committee vote, was not an expression of support for the amendment, but simply a way to insure debate on the floor.

Bills that receive favorable action on General File are referred to the Committee on Enrollment and Review. It is at this point that the Enrollment and Review Committee checks the bills for spelling and other errors and reports them to Select File.

SELECT FILE

Select File "is really a preferential calendar where the legislature considers it the bill again and if acceptable the measure is sent to the committee on enrollment and review for engrossment." On Select File, a bill may be amended by unanimous consent, or it may be recommitted to a standing committee or indefinitely postponed. No bill may be considered on Select File until three legislative days have passed since its
referral to Enrollment and Review from General File.82

After a bill is approved for advancement from Select File, it is sent again to Enrollment and Review. Here it is engrossed and sent to Final Reading.

FINAL READING

A bill may not be considered on Final Reading until five legislative days have passed after its initial reference to Enrollment and Review and two legislative days after reference to Final Reading. Copies of bills in their final amended form must be on members' desks for at least one legislative day before Final Reading and passage.83

Before the vote is taken on Final Reading, a bill may be recommitted to Enrollment and Review for correction of an error and re-engrossment, or it may be recommitted to a standing committee or to Select File for a specific amendment.84

On Final Reading, all bills must be read in full before the final vote is taken, and members must remain in their seats during the reading.85 The members do remain in their seats during the reading, although the reading of bills is often a long, tedious process. However, there is usually some consultation and other activity on the part of the members during voting and announcement of the vote.

The Legislature may declare an emergency and attach a clause to that effect to any bill. If a bill with an
emergency clause receives a two-thirds majority vote on final passage, it becomes effective when signed by the Governor. Bills without the emergency clause go into effect three months after the Legislature adjourns. If a bill with an emergency clause attached does not receive a two-thirds majority, the emergency clause is considered stricken from the bill and a vote is taken on the bill without the emergency clause, in which case a simple majority is required for passage.

Apparently the Legislature of Nebraska is quite free with its use of the emergency provision. For example, in the 1965 legislative session, approximately one-third (194) of the 584 bills passed had emergency clauses attached. Only four of the 194 failed to get the necessary two-thirds vote for passage with the emergency clause, and all four of these passed after the emergency clause was stricken. Of the eleven bills that failed to pass on Final Reading, only one was an "emergency" measure. In the 1967 session, "of the 632 bills passed, 353 carried the emergency clause." EXECUTIVE ACTION

After a bill is passed, it is again sent to Enrollment and Review for enrollment. The enrolled bill is signed by the President of the Legislature and sent to the Governor, who may sign it, veto it, or do nothing. If the Governor neither signs nor vetoes the bill, it becomes law
five days after he received it (Sundays excepted), unless the Legislature has adjourned, in which case it still becomes law unless the Governor files the bill, along with his objections, with the Secretary of State within five days after the Legislature adjourns. 91

Although the Governor of Nebraska has an item veto over appropriations, it is so limited that it is virtually without effect. A Legislative Council Report had this to say about the item veto:

The concluding sentences in Article iv, Section 15 of the state constitution provides that "the governor may disapprove any item or items of appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom, unless passed in the manner herein prescribed in cases of disapproval of bills." This has led many writers to the conclusion that the governor of Nebraska has an effective item veto. Such veto is almost completely nullified, however, by the concluding sentence of Section 7 of the same article which, in referring to the budget submitted by the governor, says that "no appropriation shall be made in excess of the recommendation contained in such budget unless by three-fifths vote of each house of the legislature, and such excess so approved by a three-fifths vote shall not be subject to veto by the governor." (Emphasis supplied) Since the budget is always adopted by more than the required three-fifths vote, the governor actually has no item veto at all where the budget is concerned. 92

Although Section 7 of Article IV of the Nebraska Constitution has been amended since the above report was written, the change merely set the vote requirement at two-thirds of the Legislature instead of three-fifths vote of each house of the Legislature, so the restriction upon
the Governor remains, although it is more difficult to apply.

It seems that organization and procedure in the Nebraska Legislature follow traditional patterns to a considerable degree. Exceptions to normal legislative procedure which do occur in Nebraska are not a great deal different from those of other bodies. In an article on legislatures, H. R. G. Greaves had this to say about procedural rules:

When we are told...that the House of Commons rule that readings be taken on different days may be, and has been, suspended in emergency so that a project has passed through all its stages in both houses in one day, it becomes clear of what small effect any sort of procedural rules will be in preventing a rash body from being rash.93

While one would hardly consider the Nebraska Legislature a "rash body," it is not immune to the use of procedural shortcuts. In 1965, Frank Nelson of O'Neill, a veteran of eighteen years of legislative service, was protesting the consideration of a bill that had not even been printed, while the sponsors of the bill were calling for a saving of one or two days by "moving the measure along."94

In 1966, in a special legislative session, the "Unicameral" resorted to extraordinary measures to decrease the number of calendar days necessary to work in the legislative days required to complete the business before the
Legislature. During the session, the Lincoln Star reported:
"Lawmakers cannot enact into law the three bills presented to the session until their seventh day, according to the attorney general's interpretation of constitutional requirements." These requirements are that five legislative days must pass between the introduction and final passage of a bill and that the final bill, as amended, must be on the members' desks one day before final passage. The measures taken by the Legislature complied with the letter of the constitutional requirements without providing the consideration that the requirement intended. The Star gave this account of the proceedings:

Action came during the first of two night sessions, the second of which was held at 12:01 A.M. Saturday, allowing the Senators to chalk up their fifth and sixth legislative days.

The evening session was concluded in 34 minutes; Saturday's early morning session was a one-minute affair.

Thus it appears that the rules of the Nebraska Legislature do allow that body to "expedite" legislative measures, which may be viewed by the members as preferable to trying to change the rules to fit certain eventualities, although the latter alternative is, of course, available to them.

RULE CHANGES

Proposed rule changes in the Nebraska Legislature are referred to the Rules Committee, and are ordinarily
reported early in the session and approved with little opposition, judging from the record as contained in the Journal. It appears that the changes made in the rules in most sessions are not extensive, which evidently accounts for the lack of opposition to them. However, an exception to this normal practice occurred in 1965, when a newspaper report indicated there was disagreement over changes in the rules and dissatisfaction with the Rules Committee. The newspaper gave this account of that debate: "The debate was sparked by attempts to railroad controversial changes to the Rules Committee for later disposal, but this move was resisted by Senator Terry Carpenter, who described the Rules Committee as 'a graveyard.'"99

The changes under discussion were recommended by an Interim Study Committee, and a majority of these were approved without a dissenting vote. Of the twenty proposals for changes in the rules, eleven were passed unanimously, three were passed with some negative votes, one was defeated, and five were referred to the Rules Committee.100

Among the changes made in that session was the curtailment of the authority of the Clerk in the selection and control of legislative employees. Other changes included: a requirement that a brief statement of the anticipated financial impact of each bill be attached to
the bill before it can be considered on Final Reading;\textsuperscript{101} a provision for the introduction of the Revisor of Statutes correctional bills early in the session (the procedure to be worked out at the general meeting of the Legislative Council in November);\textsuperscript{102} and the formation of a five-man committee to recommend employees and their salaries.\textsuperscript{103}

Rule changes designed to expedite the work of the Legislature included a provision enabling the Reference Committee to refer bills and resolutions directly to General File rather than to standing committees\textsuperscript{104} and another to relieve the Speaker of standing committee assignments so that he could be free to coordinate and expedite legislation.\textsuperscript{105}

**PERFORMANCE**

Since the 1965 changes in the rules were designed to improve the manner in which the Legislature gets its work done, it is possible to examine the effect of the changes by an examination of the pattern of work distribution over the session.

Table VI gives a comparison of the 1963, 1965, and 1967 sessions in the number of bills introduced, passed, and killed for each week of the session.
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1. Calendar Week--Monday through Friday.

Table VI shows that the Nebraska Legislature does not experience the frantic last-minute rush that often plagues legislative bodies. In 1963, only 4.3 per cent of the combined operations of introduction, passage, and killing of bills took place in the last four calendar weeks of the session. Slightly more--5.3 per cent--of this work was accomplished during the same period in 1965, and 7 per cent of it was done in the last four weeks of the 1967 session. If the introduction of bills is disregarded because the vast majority of them are introduced before the twentieth day, the percentage of bills disposed of during the last month was still quite small in those three sessions. In 1963, the percentage was 7.5; in the 1965 session it was 7.7. However, it increased to 14.4 per cent in 1967.

In comparing the Kansas and Nebraska Legislatures for the same years, we find that in 1963 only 2.9 per cent of the total bills passed by that session of the "Unicameral" were passed in the last seven legislative days, while 18.7 per cent of the bills passed in that session of the Kansas House of Representatives were passed in the last seven days. In the Kansas Senate, the percentage of bills passed in the last seven days was 29.2. However, when the difference in the length of the sessions in the two states is taken into consideration, the difference between the legislatures is less striking, although the percentages
for the Kansas houses are still higher than the percentage for Nebraska.

In 1963, the last seven legislative days constituted only 5.3 per cent of the Nebraska session, 10 per cent of the session in the Kansas House of Representatives, and 10.4 per cent of the Kansas Senate session. If approximately the same percentage of each session is considered, 10.6 per cent of the Nebraska session produced 8.1 per cent of the bill passage,\textsuperscript{113} while 10 per cent of the Kansas House session produced 18.7 per cent and 10.4 per cent of the Kansas Senate session produced 29.2 per cent.

Some changes in work distribution have taken place since 1963 in both states. In the 1967 legislative session in Nebraska, the percentage of the total bill passage which took place in the last seven days of the session (14.4) was nearly double that of the 1963 session (7.5), while the percentage of bills passed in the last seven days in the Kansas House was 14.2 in 1967\textsuperscript{114} and only 6.3 per cent of the bills passed by the Kansas Senate in that year were disposed of in the last seven days.\textsuperscript{115} The Kansas performance in this regard was undoubtedly affected by a state constitutional amendment adopted in 1966, which provided that bills neither passed nor killed in the sessions of odd-numbered years would carry over to the succeeding year's session.\textsuperscript{116} In the 1967 session of the Kansas Legislature, 192 House bills
and 80 Senate bills were carried over to the 1968 session. A quantitative distribution of work in legislative bodies does not tell anything about the quality or importance of the bills that are passed. However, the figures given here do indicate that the chance of hasty, ill-considered legislation being passed in a rush at the end of the session is considerably reduced by the better distribution of bill disposal in the Nebraska unicameral system, and legislative procedure in Nebraska is at least simplified, if not improved, by the absence of the conference committee.

The small size of the Nebraska "Unicameral" may enable the individual legislator to play a more significant role in the total legislative process than that played by his counterpart in larger two-house legislatures. In the Nebraska Senate, as in all legislative bodies, much depends upon the leadership that is developed. Since there is no formal party organization in the legislature in Nebraska, each member must compete, officially, at least, against all other members for key positions. The subject of leadership has been an important part of the discussion of the Nebraska unicameral system during the last thirty years, and this subject has been tied very closely to the discussion of nonpartisanship.
NOTES ON CHAPTER IV

1. Rules of the Nebraska Legislature, Lincoln, Hugo Srb, Clerk of the Legislature, 1965, Rule 2, Section 1. (Hereafter cited by Rule and Section.)

2. Rule 2, Section 10.
3. Rule 2, Section 9.
4. Rule 2, Section 1.
5. Rule 2, Section 4.
6. Rule 4, Section 4.
7. Rule 8, Section 1.
8. Rule 9, Section 4.
9. Constitution of the State of Nebraska, Article II, Sections 13 and 14. (Hereafter cited as Constitution of Nebraska.)
10. Ibid., Article III, Section 14.
12. Ibid., Section 13.
13. Ibid., Article XVI, Section 1.
14. Ibid., Article III, Section 27.
15. Ibid., Article IV, Section 15.
16. Rule 7, Section 1.
17. Rule 4, Sections 1 and 2.
18. Rule 7, Section 2.
19. Rule 7, Section 3.
21. Rule 9, Section 2.
22. Rule 4, Section 10.
23. Rule 11, Section 2.
24. Rule 11, Section 5.
25. Rule 14, Section 5.
26. Rule 11, Section 1.
27. Interview in Lincoln, August 8, 1966.
30. Ibid., pp. 76-7.
32. Rule 11, Section 10.
34. Interview with Senator Fern Hubbard Orme of Lincoln, in Lincoln, August 4, 1966.
36. Rule 11, Section 3.
41. Figures obtained from Legislative Journal, 1955 to 1965, inclusive, passim.


46. Rule 6, Section 3.

47. Rule 14, Section 1.


49. Rule 6, Section 6.


52. Interview at Milford, Nebraska, August 6, 1966.

53. Rule 6, Section 8.

54. Rule 6, Section 7.


57. Nebraska Legislative Council, Legislative Processes, p. 10.

58. Interview with Mr. Hugo Srb, in Lincoln, July 19, 1966.

59. Loc. cit.
60. Interview with Senator John Knight of Lincoln, in Lincoln, July 25, 1966.


62. Rule 6, Section 11.

63. Rule 6, Section 5.

64. Rule 6, Section 10.

65. Rule 6, Section 8.

66. Rule 6, Section 9.

67. Loc. cit.

68. Rule 12, Section 5.

69. Rule 10, Sections 19 and 20.

70. Rule 12, Section 5.


72. Rule 4, Section 12.

73. Interview at Fairmont, Nebraska, August 6, 1966.

74. Interview in Lincoln, August 4, 1966.

75. Interview in Lincoln, July 22, 1966.


77. Ibid., p. 532.


79. Loc. cit.

80. Rule 12, Sections 6 and 7.


82. Rule 12, Section 8.
83. Rule 12, Section 11. The rule requires a bill to be on Final Reading file for two days; the Constitution requires only one day. Constitution of Nebraska, Article III, Section 14.

84. Rule 12, Section 12.

85. Rule 12, Sections 9 and 10.

86. Constitution of Nebraska, Article III, Section 27.

87. Rule 12, Sections 13 and 14.


89. Ibid., p. 2929.

90. Omaha Sunday World-Herald, July 30, 1967, p. 6B.

91. Constitution of Nebraska, Article IV, Section 15.


96. Constitution of Nebraska, Article III, Section 14.


98. Rule 17.


101. Rule 11, Section 3.

102. Rule 11, Section 1.
103. Rule 3, Section 13.

104. Rule 14, Section 1.

105. Note to Rule 3, Section 6. This was also mentioned by Senator John Knight of Lincoln in an interview conducted for this study on July 25, 1966.

106. See Alvin W. Johnson, The Unicameral Legislature, Minneapolis, University of Minnesota Press, 1939, pp. 55-7, for an account of the late rush of bills in New York, Indiana, Ohio, and Kansas.


CHAPTER V

NONPARTISANSHIP AND LEADERSHIP

In a syndicated column in a Lincoln newspaper in May, 1965, James J. Kilpatrick wrote that state legislators in America are "underpaid, understaffed, overburdened, and overlobbied," and they "suffer terribly from want of leadership and vision."1 Such criticism can be found in other press reports on the undesirable features and performance of state legislatures. Some of these accounts are more detailed and even more critical than that of Kilpatrick.2 A legislator's reaction to the criticism was voiced by Nebraska state Senator Ross Rasmussen of Hooper, who complained: "Newspapers make legislatures out to be duds. The image of the legislature as a whole hurts the individual legislator."3

Nevertheless, Kilpatrick's comments touched upon a key point in the legislative process in Nebraska--leadership. In Nebraska, legislative leadership and its relationship to nonpartisan election of the Legislature has been a subject of interest and concern to observers since the beginning of unicameralism in the state.

Although the first unicameral session, composed of twenty-two Democrats and twenty-one Republicans, demonstrated its nonpartisan spirit by electing Republican Charles J.
Warner of Waverly as Speaker, some problems regarding non-partisanship and leadership remained. A Lincoln newspaperman, Kenneth Keller, in a symposium of appraisal of the first session of the single-house legislature in Nebraska, spoke of the effect of nonpartisanship upon the legislators:

The non-partisan character of the legislature made it difficult for many of the members. Many were party leaders in their communities, yet they were able to pull themselves away from the party magnet. It is true, the old party split showed up occasionally, but due perhaps more than anything else to the fact that in the legislature were a few party war-horses of years of battle.

Robert L. Cochran, who was governor during the first session of the unicameral legislature, had this to say concerning nonpartisanship and leadership:

As a consequence of the non-political election of members of the legislature, there was no formal responsible leadership. Each member is potentially a leader, responsible to himself and his constituents alone. In the minds of students of government in Nebraska, including members of the legislature, this is referred to as a possible weakness. In other words, on controversial bills, revenue measures or measures with complex regulatory features, it is possible to have forty-three different ideas advocated. The chance for intelligent compromise is correspondingly decreased.

After nearly twenty-five years of experience with the one-house system there was still considerable concern in the minds of close observers of the Nebraska "Unicameral" regarding these two aspects of the legislative process—nonpartisanship and leadership—and the relationship between them. A report on the Nebraska legislative system, published by the University of Nebraska School of
Journalism in 1961, had this to say on that subject:

The question on leadership and its development in the one-house non-partisan system brought the widest variety of opinions of any of the issues discussed by the senators, with one possible exception. That exception was non-partisanship, which itself was closely attached to the leadership problem by practically every cooperating senator. They could not agree on what kind of leadership should be developed, and while many of them generally favored almost every aspect of Nebraska's Unicameral Legislature, they indicated reservations in the area of leadership.7

The same report indicated that a particular kind of leadership existed in the Nebraska Senate and that the nonpartisan character of the legislative body contributed to its development. Legislative leadership appears to be, in the words of the report, "a shifting, part-time phenomenon."8

A number of people interviewed for this study agreed with this assessment, and characterized leadership in the Legislature of Nebraska as personal and based upon issues. As Senator Fern Hubbard Orme of Lincoln observed, "Each takes his turn as floor leader."9

Dr. Adam Breckenridge, a political scientist at the University of Nebraska and author of One House for Two, said absence of leadership on a party basis means that leadership is based upon knowledge of a particular bill or issue.10

Senator Richard Marvel of Hastings, a member of the Political Science faculty of Omaha University, said leadership in the Nebraska Legislature is "based upon subject
matter and exercised on it." He added that a leader does not have to belong to the majority (i.e., Republican) party, for leadership is independent of party and fluctuates on the basis of the issue.  

Senator John Knight of Lincoln said: "There is varying leadership, due to nonpartisanship. It is often due to expertise on subject matter."  

These comments were supported by Senator Eric Rasmussen of Fairmont, who stated: "Leadership is personal and individual--based on issues," and by Senator Hal Bauer of Lincoln, who also characterized Nebraska's legislative leadership as personal, or coming from a senator's expertise in a particular field.  

Former Governor Frank B. Morrison said in deciding who was to introduce his bills in the Legislature, the decision was made on the basis of the issue, and not on the basis of whether the legislator was a Republican or Democrat.  

Some observers seem to feel nonpartisanship and its resulting personalization of legislative leadership is one of the major advantages of the Nebraska system. To these supporters of the existing system of leadership, the key issue seems to be independence, as opposed to party direction. The Nebraska University School of Journalism report carried this account of their findings:
Time after time, senators referred to a "better kind of leadership." They explained that they meant the kind of leadership that developed on the "experience, integrity, and natural leadership qualities" of an individual rather than the choice of what many called "party bosses." By "better" leadership these senators seemed to mean a kind of independent leadership that was better for legislation in Nebraska.17

Former Governor Morrison, commenting on leadership development under nonpartisanship, said it was harder to develop "synthetic" leadership, but easier to develop "real" leadership.18 He appeared to mean real leadership is based upon personal ability, whereas synthetic leadership is based upon partisan considerations.

According to the Nebraska School of Journalism study, a number of legislators and former legislators contended that in leadership development, the nonpartisanship unicameral system is better than any other system.19 A respondent quoted in the study agreed with that assessment and felt the Nebraska system is superior because it does not have the problem that inhibits the development of individual leadership in partisan two-house legislatures—"the tendency of the party caucus system to follow the leadership of the majority or minority leaders."20

The same report continued: "Another senator made this point even more pointedly when he said, The men with ability become the leaders of the unicameral body without party interference and without political bickering and interference."21
Senator George Gerdes of Alliance stated: "You have to have 'the goods' to be a leader in the 'Unicameral." 22

Senator John Knight of Lincoln, who said he had supported unicameralism and nonpartisanship up to the time of the interview held for this study, added that while he would like to see a little more direction for the Legislature, he would not want it to come from professional politicians. 23

Senator Hal Bauer of Lincoln also spoke for individual leadership as opposed to party direction. He commented he liked the feeling of independence which he said comes from the unicameral and nonpartisan features of the Legislature. 24

Although Senator Elvin Adamson of Valentine, chairman of the Committee on Committees in 1965 and Speaker of the Legislature in the 1967 session, was aware of weaknesses of nonpartisanship, he was reportedly "unwilling to change to any arrangement which would shrink the influence of the individual." 25

Former Governor Morrison does not feel the governor's position is adversely affected by the nonpartisan character of the Legislature. A newspaper report of an interview with Morrison at the time he was governor stated: "Morrison said he favored a partisan Legislature before he became governor, but changed his mind when he became chief executive." 26
Another newspaper article on the Nebraska "Unicameral" reported:

Morrison, who favors the nonpartisan feature, says he feels a governor's recommendation receives fairer and more objective analysis from the nonpartisan body than it would from a partisan legislature. 27

A Nebraska senator quoted in another report felt the early weakness of the system in regard to the governor's role has been overcome, and thus he was in general agreement with Governor Morrison. The report said:

"In the beginning," one senator wrote, "the nonpartisan feature was a weakness. There was no responsibility of any member of the legislature except to his own voters in his district. However, the commonly accepted system of responsibility and leadership has been developed. As a result, party lines have no effect on legislation and the governor is able to work in cooperation with the Legislature." 28

The late Nebraska legislative leader, C. Petrus Peterson of Lincoln, who was Speaker of the Legislature in the 1945 session, commented favorably upon the general effect of nonpartisanship in a letter written in 1963, when an unsuccessful effort was being made to return to partisan election of legislators. Mr. Peterson wrote: "I served three terms in the old bicameral system and four terms in the unicameral system which experience convinces me that our present system is superior to the partisan procedure." 29

Not all observers are convinced of the superiority of the nonpartisan legislative system. Seventeen of the senators and former senators interviewed for the Nebraska
School of Journalism study felt that the nonpartisan "Unicameral" was inferior to the bicameral legislature in terms of leadership development. Criticism of the Nebraska system appears to center around the following contention: nonpartisanship is harmful to relations between the governor and the legislature, thus limiting leadership from the executive branch; it is detrimental to the development of political leaders for other offices; it is an obstacle to the development of leadership of the Legislature itself.

Senator Stanley Matzke of Milford, who served in the Legislature from 1941 to 1945 and was elected to the "Unicameral" again in 1965, declared: "Nonpartisanship has deprived the state of leadership." The importance and effect of legislative nonpartisanship upon executive leadership was discussed by a business executive and former Nebraska State Insurance Director, Mr. Thomas Pansing, in a press interview shortly before he appeared at the Rhode Island Constitutional Convention in 1965 to speak on unicameralism. The press account, which described Pansing as "a very live Republican" and "an active lobbyist," stated:

Lack of party lines breeds, in Pansing's estimation, lack of leadership. Joined with the growth of independent commissions, legislative non-partisanship has caused a weakening of the Nebraska governor's office, according to Pansing, "almost to the point of emasculation."
we have the weakest governor in the country. When our governor speaks out, the Legislature resents it."

Senator Fern Orme of Lincoln stated the weakness of the governor's role is the real weakness of the nonpartisan system.33

Senator Stanley Matzke of Milford expressed the opinion that the governor has no influence with the nonpartisan legislature.34 This point was also made by Senators Eric Rasmussen of Fairmont and John Knight of Lincoln, but they both seemed to think the problem was due to a lack of forcefulness on the part of the governor, rather than the system.

Senator Rasmussen said he had mixed emotions on the nonpartisan question. However, he also mentioned the lack of direction from the executive branch, saying the budget presented by the governor in 1965 was "ridiculous," and that no legislator introduced any of the governor's budget bills in that session.35

Senator Knight was somewhat critical of leadership exercised by the governor, thinking it inadequate, but seemed to feel that a more forceful chief executive could correct the situation within the existing system.36

A Lincoln Journal editorial in 1966 supported the nonpartisan system and took issue with those who contend the governor cannot exercise any leadership over the Legislature unless the members of that body are elected on a partisan
Dr. Adam Breckenridge agreed that the governor's influence upon legislation is weak, but added the observation that the tendency in Nebraska has been to associate the positions of Democratic Governors Ralph G. Brooks (1959-1960) and Frank Morrison (1961-1967) with the Democratic party. Although this suggests it may have been partisan interests rather than the nonpartisan system that weakened the influence of the governor, neither Governor Morrison nor the legislators interviewed for this study indicated any feeling that partisanship was a factor in executive-legislative relations. However, in his farewell address to the Legislature in 1967, Governor Morrison expressed his support for the continuation of the nonpartisan Legislature, but added: "My concern is that this Legislature cannot continue to function as a nonpartisan body if its members engage in the intensity and bias of partisan political action."

A newspaper report of Governor Morrison's address suggested it was partisan participation by the legislators on behalf of Morrison's opponent in the 1966 contest for the United States Senate that prompted the governor's warning against partisan political action. The article stated, "Several senators, all Republicans, made statements during Morrison's senatorial campaign with Republican
Carl T. Curtis urging Curtis' re-election.  

A Lincoln Star political reporter, Don Walton, commenting upon a special legislative session in 1966, wrote: "Dire predictions of partisan politicking in the special session of the Legislature--some of which were made in this column--never came to pass." Noting that the legislators had given the governor's proposals unanimous support up to that time, Walton continued:

They have resisted the temptation to turn an election year special session, in which the major Democratic nominees are direct participants, into a partisan political show.

Could we say the same thing today if this had been a special session of a partisan Legislature, organized and dominated by Republicans, called together by a Democratic governor who is his party's nominee for the U.S. Senate?

Perhaps proponents of the non-partisan legislative system, including most of the senators themselves, have another telling argument in behalf of Nebraska's unique legislative body.

Published reports of the activities of Republican Governor Norbert Tiemann, who succeeded Morrison in 1967, seem to indicate that he is pushing harder for his program than Morrison did, and that his tax program, at least, is more "progressive," since he supported a broadened tax base (income and sales taxes) in the 1967 session of the Legislature. A newspaper report on Governor Tiemann's legislative leadership stated that Senator George Gerdes of Alliance credited the governor with "helping push for
programs which Gerdes and many other lawmakers have advocated before.” Governor Tiemann’s success with the Legislature may be due to this personal leadership rather than to his party label. Some of the criticism of Governor Morrison seemed to be based upon a disagreement with his conservative views concerning taxes and expenditures rather than upon his party affiliation. It seems that a great deal more evidence would be necessary to demonstrate that lack of leadership from the executive branch is inherent in the nonpartisan unicameral system.

The charge that the Nebraska legislative system does not develop state political leaders is, for the most part, a criticism of the nonpartisan feature, although it was also suggested that it was due to the public image of the legislature rather than to the kind of legislative system.

One senator, although he was reported to be a strong supporter of the nonpartisan aspect of the Nebraska Senate, admitted it did have some negative effect upon the political ambitions of the legislators. As he put it, “A senator acts as he personally sees the problems without answering to the party leader. This makes it a little difficult for some members to go further in political life (U.S. Senator, or Representative, or governor).”

Senator Ross Rasmussen of Hooper gave these reasons for what he called the failure of the "Unicameral" to
develop political leaders:

1. The legislator's voting record is public—he cannot "hide."

2. The tax situation in Nebraska has been critical and the Legislature has taken the brunt of that battle.

3. The image of the Legislature hurts the legislator.46

As Senator Rasmussen also pointed out, he was the only member of the Nebraska Legislature to survive the 1966 primaries as a candidate for higher office. He defeated Mrs. Terry Carpenter of Scottsbluff for the Democratic nomination for Lieutenant Governor.47 Senator Jules Burbank of Crofton was defeated by Lieutenant Governor Philip Sorenson of Lincoln for the Democratic nomination for Governor, and Senators Fern Orme of Lincoln, Sam Klaver of Omaha, and Kenneth Bowen of Red Cloud were all defeated by John E. Everroad of Omaha for the Republican nomination for Lieutenant Governor.48 Bowen was Speaker in the 1965 session of the Legislature.

Although Senator Rasmussen said the nonpartisan feature of the Senate "is not too important" in the failure of the "Unicameral" in the area of leadership development,49 Thomas Pansing blamed "the inherent diffusion of responsibility of a non-partisan Legislature for what he says is the Nebraska Legislature's failure to develop great political
leaders."50

Senator Fern Orme of Lincoln, speaking from her experience in the 1966 primary, remarked that one must show his partisanship when he files for higher office, and expressed the opinion that this is not good—to be nonpartisan, then suddenly partisan.51

Senator Ross Rasmussen, in contending that legislative service is not a training ground for higher office, said Victor E. Anderson and Robert B. Crosby were the only governors to come out of the "Unicameral."52 Former governor Frank B. Morrison contended a high percentage of Nebraska governors had served in the Legislature and it was just a coincidence that neither he nor his immediate predecessor, Ralph Brooks, had legislative service prior to their election as governor.53

The record shows that three governors who have held office since 1937 had served in the legislative branch, but one of the three—Dwight Griswold—served in the two-house system. However, when one considers all the governors of Nebraska, the record of prior legislative service is more impressive. Seventeen of the twenty-nine elected governors of Nebraska, or 58.6 per cent, served in the Legislature before becoming governor. Under the two-house system, fifteen of twenty-two governors—68.2 per cent—had seen legislative service, whereas of the seven elected governors who
have served since the unicameral body came into existence, only two, or 28.6 per cent, had served in the Legislature prior to their election to the governor's office.54

Dr. Adam Breckenridge suggested the picture of leadership development in Nebraska may change for the better, now that the legislative term has been increased to four years. He pointed out that with four-year terms, they can stay in the Legislature; if they win, they resign from the Senate or lose their seats.55 However, more experience with the four-year term will be required to determine its effect on the fortunes of state senators who seek higher office in Nebraska. Since all members of the Nebraska "Unicameral" are now serving four-year terms, Breckenridge's theory will be subjected to further testing in future elections in the state.

Some of the critics who feel nonpartisan election of the Senate deprives that body of leadership are in favor of election by party label. Others, although they are not entirely satisfied with the present situation in regard to leadership, are not prepared to endorse a return to partisan elections.

The study made by the University of Nebraska School of Journalism quotes an unnamed Nebraska legislator on the subject of legislative leadership in the "nonpartisan" "Unicameral":
In this respect I agree with the opponents of the system. In my opinion, this nonpartisanship has resulted in a loss of leadership that the partisan system would probably provide. Effective leadership has not, in fact, developed in the Unicameral.56

Charles Hein, identified in the same report as executive state secretary of the Democratic party, said, "It is impossible to pinpoint responsibility on any group. The Legislature is an aimless group without any leadership."57

In an article dealing with the unicameral body as an instrument of legislation, a Lincoln newspaper reporter wrote of the first unicameral session: "There was less leadership in the unicameral than in most of the bicameral predecessors."58

A study quoted one senator: "Each year the leadership becomes less representative,"59 and another was said to have remarked, "Every issue has 43 solutions--all ignored."60

In 1965, a member of the "Unicameral" was reported as linking nonpartisanship and leadership—to the disadvantage of the latter. The newspaper account said: "Another veteran, West Point's William Hasebrock, believes if the leadership potential in the Legislature can not be made truly effective in future sessions, 'we might get more leadership under a partisan system.'"61

Senator Richard Proud of Omaha was quoted as saying in July, 1965, "I've come to the conclusion after being
down here the Legislature should be partisan."62 The report added, "That represents a complete switch from Proud's thinking from January."63

Senator Kenneth Bowen, Speaker of the Legislature in the 1965 session, favored partisan election to the Legislature because "Somebody should accept responsibility for political philosophies."64

Senator Richard Marvel of Hastings, who has been chairman of the Budget-Appropriations Committee for the last four sessions of the Legislature (1961-1967) was reported to have "softened" his opposition to a partisan system during the 1965 session, but was "not ready to vote for a partisan Legislature yet. 'I'm not sure the political parties are willing to accept responsibility.'"65

The critics apparently do not often claim that partisan activity flourishes behind the facade of nonpartisan-ship. On the contrary, criticism seems to be based upon the assumption that the "Unicameral" is, in fact, nonpartisan, and because of this, lacks responsible leadership and direction. Charges of partisanship appear to be less frequent than might be expected when it is considered that the Legislature is involved in matters considered to be highly charged with partisan politics in other states.

Former Governor Frank Morrison observed the Legislature is partisan on matters concerning organization and
procedure, but not on substantive matters. He thought there was little attention paid to party on legislative issues, but acknowledged that partisanship shows up "indirectly" on votes to override a veto. By "indirectly" he seemed to mean the Legislature is not openly partisan, but the vote may be on party lines.

Although Senator Ross Rasmussen charged the Committee on Committees with "politics" in making committee assignments in 1967, he said in an interview conducted for this study that about the only time partisanship is a factor in legislative voting is on a vote to override the governor's veto. At the time he made the statement, the office of governor was held by a Democrat, while more than two-thirds of the legislators were Republicans, a situation which is likely to magnify the partisan aspect of a gubernatorial veto.

Hugo Srb, Clerk of the Legislature, agreed that partisan voting hardly ever occurs except when the Legislature is considering a bill that has been vetoed by the governor.

An examination of the roll call votes of the 1965 legislative session indicates that it is difficult to identify voting by party in the Nebraska Legislature, and in that session at least, party voting is not easily identified in efforts to override Governor Frank Morrison's
vetoes, even though he was a Democrat and a majority of the legislators were Republicans.

Of the 811 roll call votes recorded in the Legislative Journal, Seventy-fifth Session, 1965, only fourteen show a majority of Republican votes on one side of the question and a majority of Democratic votes on the other, and even in these fourteen cases the evidence of party voting is not substantial. In only a few of the cases was the balance within either party more than a token majority, and in a number of cases the margin within one or both parties was so narrow as to be meaningless, particularly when one considers the small number of Democrats and the number of members who did not vote on the particular occasion. On only eleven of the fourteen roll calls did either party split by more than a 60-40 per cent margin, and in only two instances did both parties split by that great a difference.

Since any member of the Legislature can require a record vote simply by requesting it, these fourteen roll calls represent a variety of types of motions.

Table VII shows the votes and the percentages for each party on the fourteen roll calls which show party majorities on opposite sides of the question.
<table>
<thead>
<tr>
<th>CASE NO.</th>
<th>YES (%)</th>
<th>NO (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>19 R (54.3)</td>
<td>16 R (45.7)</td>
</tr>
<tr>
<td></td>
<td>3 D (27.4)</td>
<td>8 D (72.9)</td>
</tr>
<tr>
<td>2.</td>
<td>16 R (51.6)</td>
<td>15 R (48.4)</td>
</tr>
<tr>
<td></td>
<td>4 D (33.6)</td>
<td>8 D (66.7)</td>
</tr>
<tr>
<td>3.</td>
<td>16 R (51.6)</td>
<td>15 R (48.4)</td>
</tr>
<tr>
<td></td>
<td>3 D (23.1)</td>
<td>10 D (76.9)</td>
</tr>
<tr>
<td>4.</td>
<td>16 R (48.5)</td>
<td>17 R (51.5)</td>
</tr>
<tr>
<td></td>
<td>7 D (70.0)</td>
<td>3 D (30.0)</td>
</tr>
<tr>
<td>5.</td>
<td>20 R (62.5)</td>
<td>12 R (37.5)</td>
</tr>
<tr>
<td></td>
<td>5 D (45.5)</td>
<td>6 D (54.5)</td>
</tr>
<tr>
<td>6.</td>
<td>6 R (27.3)</td>
<td>16 R (72.7)</td>
</tr>
<tr>
<td></td>
<td>6 D (66.7)</td>
<td>3 D (33.3)</td>
</tr>
<tr>
<td>7.</td>
<td>16 R (62.5)</td>
<td>17 R (37.5)</td>
</tr>
<tr>
<td></td>
<td>7 D (70.0)</td>
<td>3 D (30.0)</td>
</tr>
<tr>
<td>8.</td>
<td>15 R (46.9)</td>
<td>17 R (53.1)</td>
</tr>
<tr>
<td></td>
<td>6 D (54.5)</td>
<td>5 D (45.5)</td>
</tr>
<tr>
<td>9.</td>
<td>21 R (67.7)</td>
<td>10 R (32.3)</td>
</tr>
<tr>
<td></td>
<td>1 D (12.5)</td>
<td>7 D (87.5)</td>
</tr>
<tr>
<td>10.</td>
<td>15 R (53.6)</td>
<td>13 R (46.4)</td>
</tr>
<tr>
<td></td>
<td>3 D (33.3)</td>
<td>6 D (66.7)</td>
</tr>
<tr>
<td>11.</td>
<td>17 R (56.7)</td>
<td>13 R (43.3)</td>
</tr>
<tr>
<td></td>
<td>5 D (38.5)</td>
<td>8 D (61.5)</td>
</tr>
<tr>
<td>12.</td>
<td>17 R (49.6)</td>
<td>13 R (51.4)</td>
</tr>
<tr>
<td></td>
<td>8 D (61.5)</td>
<td>5 D (38.5)</td>
</tr>
<tr>
<td>13.</td>
<td>13 R (43.3)</td>
<td>17 R (56.7)</td>
</tr>
<tr>
<td></td>
<td>6 D (60.0)</td>
<td>4 D (40.0)</td>
</tr>
<tr>
<td>14.</td>
<td>17 R (55.1)</td>
<td>15 R (45.9)</td>
</tr>
<tr>
<td></td>
<td>4 D (44.4)</td>
<td>5 D (55.6)</td>
</tr>
</tbody>
</table>


It appears reasonable to assume that if these roll call votes were based on party considerations, the Republicans, with a numerical advantage of 35 to 13 over the
Democrats, would control the outcome of the vote. However, the record shows the majority of Republicans on the winning side in only five of the fourteen cases, or 35 per cent.

Table VIII shows the type of question, party origin, position of a majority of Republicans voting, and the result of the voting in these fourteen cases.

**TABLE VIII**

REPUBLICAN RECORD, BY TYPE OF CASE AND PARTY ORIGIN*

<table>
<thead>
<tr>
<th>CASE</th>
<th>PARTY ORIGIN</th>
<th>REPUBLICAN POSITION</th>
<th>RESULT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Motion</td>
<td>Republican</td>
<td>Supported</td>
<td>Defeated</td>
</tr>
<tr>
<td>2. Bill</td>
<td>Republican</td>
<td>Supported</td>
<td>Defeated</td>
</tr>
<tr>
<td>3. Motion</td>
<td>Republican</td>
<td>Supported</td>
<td>Defeated</td>
</tr>
<tr>
<td>4. Motion</td>
<td>Republican</td>
<td>Opposed</td>
<td>Passed</td>
</tr>
<tr>
<td>5. Motion</td>
<td>Republican</td>
<td>Supported</td>
<td>Passed</td>
</tr>
<tr>
<td>6. Motion</td>
<td>Democrat</td>
<td>Opposed</td>
<td>Defeated</td>
</tr>
<tr>
<td>7. Motion</td>
<td>Democrat</td>
<td>Opposed</td>
<td>Passed</td>
</tr>
<tr>
<td>8. Motion</td>
<td>Republican</td>
<td>Opposed</td>
<td>Defeated</td>
</tr>
<tr>
<td>9. Bill</td>
<td>Republican</td>
<td>Supported</td>
<td>Defeated</td>
</tr>
<tr>
<td>10. Motion</td>
<td>Republican</td>
<td>Supported</td>
<td>Defeated</td>
</tr>
<tr>
<td>11. Motion</td>
<td>Republican</td>
<td>Supported</td>
<td>Passed</td>
</tr>
<tr>
<td>12. Bill</td>
<td>Coalition</td>
<td>Opposed</td>
<td>Passed</td>
</tr>
<tr>
<td>13. Motion</td>
<td>Republican</td>
<td>Opposed</td>
<td>Defeated</td>
</tr>
<tr>
<td>14. Bill</td>
<td>Republican</td>
<td>Supported</td>
<td>Defeated</td>
</tr>
</tbody>
</table>

1. Vote on Final Reading.


As shown by Table VIII, the fourteen cases consist of ten motions of various kinds and four bills on Final Reading. Eight of the ten motions were made by Republicans and two by Democrats. Three of the bills were introduced by Republicans, either individually or as co-introducers.
The other was introduced by a coalition of one Democrat, two Republicans, and one Independent.\textsuperscript{72}

The majority of Republicans were more successful in defeating proposals they opposed than they were in passing measures they supported. They opposed six of the questions and three of them were defeated, including one motion made by Speaker Kenneth Bowen of Red Cloud, a Republican.\textsuperscript{73} Of the eight measures the majority of Republicans supported, only two passed. Thus they were successful 50 per cent of the time in opposition and only 25 per cent of the time in support of the question.

A breakdown by type of question (motion or bill) shows the Republicans voted for the winning side 50 per cent of the time on motions but lost on all four votes on the bills. In the latter category, i.e., bills on Final Reading, the majority of Republicans voted in favor of the three that were defeated and against the one that passed.

A breakdown on the basis of party origin of the question being voted upon reveals the Republicans gave a majority of their votes to eight of the eleven proposals advanced by fellow Republicans and opposed the two Democratic motions and the bill introduced by the coalition. However, Republican support for the eight Republican proposals was translated into victory in only 25 per cent of the cases, as only two of these proposals passed. Two of
the three Republican proposals opposed by a majority of that party were defeated, so Republicans were in the majority in only 36.4 per cent of the votes on measures introduced by Republicans.

The bill introduced by a coalition passed with a majority of Republicans opposing it. One of the Democratic motions passed and one failed, with Republicans in opposition in both cases.

It seems, then, that this evidence does not support the view that these fourteen cases represent deliberate party support voting, but merely indicate that party identified majorities were on opposite sides of the question. However, an examination of the margin of difference between the majority and minority within the party may give some evidence of party voting in individual cases.

Republicans split by a one-sided margin in three of the cases; Democrats did so in eight instances. Two of these cases coincided so that there was a clear margin by each party on the same question. In both cases, the Republicans gave a majority to the winning side. In one case, which was an attempt to place LB 661, a fair housing bill, on General File after it had been reported to be indefinitely postponed, Republicans voting opposed the motion by a margin of 16 to 6. Democrats voted 6 to 3 to advance the bill to General File. The motion was made by the
introducer of the bill, Senator Edward Danner, a Democrat from Omaha. 74

Republicans split 21-10 against LB 807 on Final Reading, while the Democrats voted 7-1 in favor of the bill. Introduced by Senator John Knight, a Republican of Lincoln, the bill would have made changes in the Nebraska Agricultural Products Research Fund. 75

It seems likely that the voting represented partisan feeling in the first case but not in the second. The parties' positions on the issue of fair housing generally followed normal party division on that subject; the motion was made by a Democrat and supported by a majority of the members of that party. Support by the party of the introducer did not materialize in the other case, however, for the bill was introduced by a Republican but was opposed by a substantial majority of the Republican members voting.

In the other case in which the Republican division was one-sided, the Democrats split by the narrow margin of 6-5. While it is certainly possible for one party to vote on partisan grounds while the other party does not, it would hardly be considered a "partisan" issue in the sense of an interparty fight.

The frequency with which Democrats found themselves divided by relatively wide margins can be partially explained by the small number of Democratic votes. The
"one-sided" votes on the Democratic side were by the margins of 3-6, 4-8, 3-10, 7-3, 6-3, 7-4, 1-7, and 3-6. Since the switching of only two votes would have put the majority on the other side of the question in some of these cases, the argument could be made that even a ratio of 2-1 does not always represent an overwhelming endorsement or disapproval of a question by the Democratic members of the Senate.

Furthermore, in six of the eight cases of one-sided Democratic voting, the Republicans divided by narrow margins--19-16, 16-15, 16-15, 16-17, 16-17, and 15-17.

While it might be argued that the voting patterns examined here have overtones of partisanship, it seems unlikely that they represent a clear party alignment, particularly in view of the closeness of the split within the parties in a number of cases.

Further evidence of a nonpartisan approach to legislation in the Nebraska Senate is the voting record of the Speaker in these cases. In the fourteen cases in which the Republican and Democratic majorities were on opposite sides of the question, Republican Speaker Kenneth Bowen voted eleven times. He voted with the majority of the Democrats seven times and with the majority of Republicans only four times. In addition, it is worth noting that in the 1965 session of the Legislature, in 451 of the 811 roll call votes, representing 55.6 per cent, there were no opposing
As noted earlier in this chapter, Senator Ross Rasmussen and Mr. Hugo Srb agreed that about the only time party voting takes place is when the Legislature is voting on a motion to pass a bill over the governor's veto. This type of vote occurred three times in the 1965 session of the Legislature, and in two of the cases a majority of the Democrats voting joined a majority of Republicans in voting to override the Democratic governor's veto. On the third occasion, the Democrats split evenly, 6 to 6.

In one case, the Senate voted on a motion to override Governor Morrison's veto of LB 545, a bill to regulate debt management. Only three Democrats voted. Two voted to pass the bill and the other voted "no," while ten of the thirteen Democrats did not vote. Originally, on Final Reading, nine Democrats had voted for the bill and two had opposed it, so there was a considerable loss of Democratic votes for the bill after it had been vetoed. Too, since a three-fifths majority is required to pass a bill vetoed by the governor, the abstentions served to defeat the bill in the second case. Still, it is obvious the Democratic senators did not go on record formally in support of the Democratic governor.

The second case was a vote to override the veto of LB 234, a bill providing for the sale of school lands.
Nine Democrats voted to override the veto and four voted against it. Republicans voted 21-9 to override.79

Originally, on Final Reading, Republicans had voted for the bill, 21-9, and Democrats had supported it by a margin of 9 to 3.80

The vote to override Governor Morrison's veto of a bill to allow wide loads of livestock feed on the highways of the state found the Democrats dividing evenly on the question, 6-6. Twenty-four Republicans voted in favor of passage, and 9 voted to uphold the veto, so LB 713 became law.81 On original passage, the Democrats had supported the bill by 11 votes to 1, and the bill passed by a wide margin, 42-5.82 In this case, the Democrats did support the bill by a much wider margin the first time than they did after it had been vetoed.

While the evidence concerning party voting in efforts to pass legislation over the governor's veto in 1965 seems to be inconclusive, the evidence on roll call voting shows the Legislature was, generally speaking, nonpartisan in voting patterns in that session. It appears that the members do cast their votes as individuals, and this may, on occasions, put them at odds with their state party leaders.

In the 1965 Legislature, LB 164 was introduced by a bipartisan group of legislators—Republicans Marvin Stromer of Lincoln and George Gerdes of Alliance and Democrat
Jules Burbach of Crofton. The bill provided, among other things, for the "all-star" presidential primary. It authorized the Secretary of State to list on the Nebraska primary ballot any person he considers a presidential candidate, unless that person files an affidavit that he is not a candidate for President.\textsuperscript{83} The state executive committee of the Republican party opposed the bill; the Democratic governor and the state chairman of the Democratic party supported it.\textsuperscript{84} A newspaper account of debate on the bill on General File had this to say: "The assault on Stromer's bill was led by Clifton Batchelder, husband of Nebraska GOP National Committeewoman Anne Batchelder, William Hasebrock, whose son is Douglas County GOP Chairman, and Chester Paxton, who has been mentioned as a possible GOP candidate for governor next year."\textsuperscript{85} On Final Reading, LB 164 passed by a vote of 34-12, with 23 Republicans, 10 Democrats, and 1 Independent supporting the bill, and 10 Republicans and 2 Democrats opposing it.\textsuperscript{86} Thus in this case, a majority of Republicans and two Democrats clearly showed their independence of the state party organization.

Since the "Unicameral" apparently functions as a nonpartisan body and the leadership of the body shifts from individual to individual, depending upon the issue before the Legislature, there seems to be no one responsible for a
legislative program. Defenders of the nonpartisan feature are satisfied that individuals become leaders in the Legislature; critics deplore the absence of leadership of the Legislature.

Leadership of the Legislature in the enactment of a program is presumably the responsibility of the Speaker. The Rules of the Legislature, in a note to the rule defining the duties of the Speaker, state: "Speaker is co-ordinator for the chairmen of standing committees" and "Speaker provides floor leadership so as to expedite Legislative processes."87

Dr. Adam Breckenridge, in One House for Two, gave this assessment of the office of Speaker of the Legislature:

Of all the officers of the unicameral legislature perhaps the most unique is the speaker. While he is not the presiding officer as most speakers are, the position is more than honorary. As president pro tem and second in command, the speaker might be expected to be a leader of the majority in a political party sense. But this is not the case in Nebraska. He is one of the leaders but not necessarily a leader in the sense of a party leader. Party labels are absent, and the legislature is not organized along party lines. The history of speaker selection in the legislature bears this out. Although the legislators do not run for office under a party label, it is not too difficult to determine their political affiliation. In recent years the majority of the members have been known Republicans but during this time the place of the speaker has gone to known Democrats, one of whom, for example, was later a candidate for governor on the Democratic ticket.88

Breckenridge stated in an interview conducted for this study that election to the speakership is a way to
recognize a degree of leadership and long service, and is mainly honorary—it is passed around.89

Legislators interviewed for this study did not seem to view the Speaker or other officers as leaders of a legislative program. Senator Hal Bauer said while there is "behind the scenes" leadership, there is almost no leadership from the Speaker, whose position is "strictly honorary."90

Senator John Knight stated the officers' hands are tied—any leadership depends upon them, not their office.91

Senator Fern Orme said there is little leadership from the Speaker. She felt he could do some backstage planning, but doesn't. Since she has never served in a body that has partisan floor leaders, she did not comment upon that as an alternative, but confined her remarks to the operation of the present system in Nebraska.92

Marvin Stromer, legislator from Lincoln, commented upon the Speaker's role in the legislative struggle over congressional redistricting in 1961. He had this comment on Speaker Don Thompson's view of his own role:

...he cast a shadow of a harmonizer or coordinator of his colleagues rather than an innovator of policy. He was slow to enter debate on controversial issues, and here, even though he had agreed to speak for the east-west cause, he actually entered debate only after Senator Richard Marvel and Senator Stromer pleaded with him to speak as "we are in trouble."93

The record of roll call votes in the 1965 legisla-
tive session in Nebraska indicates the Speaker's role was nonpartisan. In that session, in which the Republicans held a majority of 35 to 13 over the Democrats, Speaker Kenneth Bowen of Red Cloud, a Republican, voted 306 times on roll call votes in which there were opposing votes cast. He was in the minority on 53 of these roll calls, or 17.3 per cent of the time. His voting in the 14 cases analyzed earlier in this chapter would make it appear that partisan considerations were not important in even those cases.

Senator Elvin Adamson of Valentine, Speaker in the 1967 session, wrote in reply to questions asked in a letter that the Speaker depends "very little" upon members of his own party, and added, "Very few issues are resolved by political differences." Speaker Bowen, in reply to the same question, said the Speaker depends upon members of his own party "to some degree."

Both Senator Bowen and Senator Adamson agreed that the Speaker does not assume responsibility at the beginning of a session for the total legislative program. Senator Adamson added: "His responsibilities have been more to expedite the legislative procedure than to promote a legislative program. Naturally he becomes involved in the promotion or defeat of various issues."

The Valentine senator had this to say about the effect of nonpartisanship on the Speaker and on
legislative leadership in general:

The nonpartisan feature has very little effect upon the selection of a speaker. I do not feel that he is as influential in passing legislation as a speaker of a partisan body would be. It does not serve as an effective stepping stone to higher political office.98

Senator Bowen stated the lack of party label makes the Speaker's position "ineffective at times as he is elected on a popularity contest and may owe his alegance [sic] to other party members."99 The Red Cloud senator added: "If the Legislature were partisan the Speaker would be floor leader, as it is anyone with fortitude...can take away the influence of the Speaker and become a self appointed floor leader."100

Senator Adamson felt the lack of party label and organization "causes the Speaker to work closely with all Legislators rather than only those of his own affiliation."101

Although Adamson said the Speaker worked closely with the Governor102 and Bowen said this was not necessarily so,103 it is to be remembered that both of these Speakers were Republicans and Bowen worked with a Democratic governor, whereas Adamson worked with a governor of his own party.

In answer to a question as to what responsibilities he found most pressing and time-consuming, Mr. Adamson had this to say:
Attempting to get the controversial bills up for debate before the entire membership as early as possible and to expedite those bills that had a fiscal impact. Presiding in the absence of the Lt. Governor required one to be more up to date on his "home work" (Rules, parlimentary sic procedure, previous legislative action, etc.)

Senator Bowen wrote in answer to the same question:

"Arranging debate on General File. Individuals are always wanting to take up their bills ahead of others."105

It appears that the role of Speaker in the Nebraska Legislature differs greatly from his role in partisan legislative bodies. The Legislature made a change in the Speaker's position in the 1967 session which may have a salutary effect upon the Speaker himself, if not the office. After defeating a motion to increase the Speaker's influence by making him an ex-officio, non-voting member of all standing committees, the Senate decided he should not serve on any standing committee, thus giving him more time to devote to his other duties of expediting and coordinating the work of the Legislature.106

Despite criticism of the nonpartisan system in Nebraska, efforts to return to a partisan Legislature have been unsuccessful.

Although both major parties had planks in their 1964 state platforms calling for a return to partisan elections to the Legislature,107 Nebraska legislators themselves went on record in 1963 and 1965 in favor of retention of the
nonpartisan system. In 1963, when petitions were being circulated to put partisan election of legislators on the ballot in November, 1964, three legislators—a Republican, a Democrat, and an Independent—introduced Legislative Resolution 52, which read:

That we urge the citizens of the State of Nebraska before signing a petition to place upon the ballot the question of electing members of the Legislature on a partisan basis to consider whether they want members of the Legislature to be directly responsible to the people or to a political party.\textsuperscript{108}

The next day, the following amendment was passed:

"It is our considered opinion the election of Legislators on a partisan basis would be the first step in the destruction of the Unicameral Legislature and would cause a return to the two house system."\textsuperscript{109} The resolution passed by a vote of 33 ayes, 7 nays, 3 not voting.\textsuperscript{110}

In 1965, after LR 79, calling for a change to partisan election of legislators, had been amended to say just the opposite, the resolution was passed by the wide margin of 31-9.\textsuperscript{111}

This legislative action supports the observation of Dr. Adam Breckenridge that it would be difficult, if not impossible, to do away with the unicameral system. He felt it would be less difficult to do away with the nonpartisan feature. At one time, according to Breckenridge, the parties tried to get both bicameralism and partisan
election, which resulted in two groups opposing them. Now they try to get the partisan feature only. Senator Stanley Matzke, who was critical of the nonpartisan feature, was not opposed to the one-house system; he said he would like to try a partisan unicameral legislature.

The Nebraska Republican Party was reported as "spearheading" a drive for petitions to get a proposed constitutional amendment on the ballot in the 1968 election for the purpose of restoring a partisan Legislature. The chairman of the petition drive was quoted as saying "the only opposition is from some of the members of the Legislature. They like the situation the way it is." The effort to get the amendment on the ballot was unsuccessful.

It appears, then, that the two unusual features of Nebraska's legislative system, nonpartisanship and unicameralism, are closely bound together, bringing support for the existing system from supporters of each feature.
NOTES ON CHAPTER V


7. University of Nebraska School of Journalism, Behind These Doors: The Story of Nebraska's Unicameral Legislature, Depth Report No. 1, Lincoln, 1961, p. 15. (Hereafter cited as Behind These Doors.)

8. Ibid., p. 16.


10. Interview in Lincoln, August 4, 1966.

11. Interview in Lincoln, September 1, 1966.

12. Loc. cit.


17. Behind These Doors, p. 15.
20. Loc. cit.
22. Interview in Lincoln, August 9, 1966.
30. Behind These Doors, p. 15.
31. Interview at Milford, Nebraska, August 6, 1966.
33. Interview in Lincoln, August 4, 1966.
34. Interview at Milford, Nebraska, August 6, 1966.
35. Interview at Fairmont, Nebraska, August 6, 1966.
38. Interview in Lincoln, August 3, 1966.


42. *Loc. cit.*


44. This view was expressed by a number of senators interviewed for this study. Senators Eric Rasmussen, Fern Hubbard Orme, and John Knight seemed to be most strongly convinced of it.


46. Interview in Lincoln, July 6, 1966.


49. Interview in Lincoln, July 6, 1966.


51. Interview in Lincoln, August 4, 1966.

52. Interview in Lincoln, July 6, 1966.

53. Interview in Lincoln, September 2, 1966.


55. Interview in Lincoln, August 3, 1966.


57. *Loc. cit.*

59. *Behind These Doors*, p. 15.


63. *Loc. cit.*

64. *Ibid.*, p. 2B.


68. *Lincoln Evening Journal*, January 3, 1965. The party lineup in the 1965 session was 35 Republicans, 13 Democrats, and one Independent. References to party affiliation of Nebraska lawmakers appear frequently in the Nebraska press, and legislators themselves were not hesitant to give this information in interviews.

69. Interview in Lincoln, July 19, 1966.


71. In most cases of non-voting, the Journal shows the members as being excused from all or part of that day's session.


77. *Loc. cit.*
81. Ibid., Vol. II, pp. 2759-60.
82. Ibid., Vol. II, pp. 2834-5.
89. Interview in Lincoln, August 3, 1966.
90. Interview in Lincoln, July 22, 1966.
92. Interview in Lincoln, August 4, 1966.
95. Senator Elvin Adamson, Response to a mailed questionnaire, September 22, 1967. (Hereafter cited as Adamson, Questionnaire.)
96. Mr. Kenneth Bowen, Director, League of Nebraska Municipalities and Speaker of the Legislature, 1965 session, Response to mailed questionnaire, September 29, 1967. (Hereafter cited as Bowen, Questionnaire.)
97. Adamson, Questionnaire.
98. Loc. cit.
99. Bowen, Questionnaire.

100. Loc. cit.

101. Adamson, Questionnaire.

102. Loc. cit.

103. Bowen, Questionnaire.

104. Adamson, Questionnaire.

105. Bowen, Questionnaire.


109. Ibid., p. 1927.

110. Loc. cit.


112. Interview in Lincoln, August 3, 1966.

113. Interview at Milford, Nebraska, August 6, 1966.


CHAPTER VI

LEGISLATORS AND LOBBYISTS

There is a common view that government is no better than the people who are running it. This view was given expression by H. T. Dobbins, a Nebraska newspaper reporter when he wrote that most of the criticisms of the unicameral legislature in Nebraska "attach to the conduct of the membership rather than to the system."

In a number of efforts to portray the Nebraska legislative system as an improvement over the old bicameral legislature of that state, there have been attempts to show that the Nebraska "Unicameral" attracts superior legislators, largely because of its small membership, which makes the individual legislator more influential in the legislative arena. Attempts to demonstrate that one group of legislators is superior to another are hazardous undertakings, to say the least, for the conclusions rest upon value judgments that may be widely disputed. Statements about general characteristics of the members of legislative bodies may not hold up when individual legislators are examined. Nevertheless, some of the Nebraska legislators interviewed for this study expressed the conviction that the caliber of the membership of the 1965 session was improved over that of previous sessions in which they had served, and one senator was reported as stating the members
of the 1967 Legislature were the "most liberal" in the state's history, and he indicated that this was the reason the Legislature was receptive to Governor Tiemann's program, which was characterized as more progressive than that of his predecessor, Governor Frank Morrison.4

More objective criteria by which legislators are evaluated include education, occupation, and experience. By the first standard, the present membership of the Nebraska Legislature is similar to state legislators in general.5 About 55 per cent of the legislators in the 1967 session of the Nebraska Legislature were college graduates, with an additional 16 per cent having had some college work.6 Thus, 71 per cent of the members of that Nebraska legislative session had attended college, compared with 16 per cent of the national population.7 Since the percentage of Nebraskans who have had at least one year of college is close to the national average,8 Nebraska legislators in 1967 were much better educated, as a group, than were their constituents. About 26 per cent of the members of the 1967 Nebraska Legislature were in professions--lawyers, teachers, physicians, and ministers--all of which require college degrees, and three of the members had earned the Ph.D. One senator is a Doctor of Medicine and two others have the Master of Arts degree.9

The occupational makeup of the Nebraska Legislature
shows a low percentage of lawyers and a high percentage of businessmen and farmers, compared with the percentage for other states. Table IX shows the percentage of these occupational groups in the legislatures of Nebraska and several other comparable states in recent sessions.

Table IX

OCCUPATIONS OF LEGISLATORS (PERCENTAGES)

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<td>Businessmen</td>
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<tr>
<td>Farmers</td>
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Whether or not the occupational makeup of the Nebraska Senate contributes to a "better" group of legislators is not possible to determine, important as this factor may be to an assessment of the "Unicameral," but Table IX shows that, with the exception of South Dakota, the states compared with Nebraska have a distinctly different occupational composition, in terms of these occupational groups.
The third factor generally held to be a measure of the "quality" of legislative bodies is the previous legislative experience of the members, or, to put it another way, the rate of turnover. Since Nebraska adopted the four-year legislative term in the 1962 election for implementation in the 1964 election, the 1965 Legislature was the last one in which all members were elected at the same time. In the 1965 session, 28 of the senators, or 57 per cent, had previous experience in the Legislature, ranging from one to eleven terms. In comparison with these figures, 60 per cent of the members of the 1965 Kansas Legislature had served in previous sessions, with the Senate returning 45 per cent and the House 64 per cent.

In the 1967 session of the Nebraska Legislature, nearly 80 per cent of the members were holdovers. Twenty-six of the 49 legislative districts elected members of the "Unicameral" in 1966, and 18 of them (69.2 per cent) returned incumbents, while new legislators were elected in 8 (30.2 per cent) of the districts. Two senators were appointed in 1967 to replace members who resigned early in the session, making ten freshmen legislators in the 1967 session. This is 20.4 per cent, less than half the freshman percentage in 1965, but 23 senators were serving the second half of a four-year term in 1967.

A study reported by Keefe and Ogul for 1949 showed
the average proportion of first term legislators in the lower houses of five midwestern states—-Iowa, Illinois, Michigan, Indiana, and Wisconsin--to be 42 per cent.\(^\text{14}\) In the same year in Nebraska the figure was 37 per cent,\(^\text{15}\) and until 1967, the turnover in the Nebraska Senate had not changed materially since that time, although there was some fluctuation.\(^\text{16}\)

It appears that the contention that Nebraska's "Unicameral" attracts superior legislators is not borne out by the figures on turnover and tenure, even if it is agreed that legislative experience is a valid criterion for measuring the quality of legislators. However, more subjective evaluations by the men and women who make up legislative bodies may contribute to a better understanding of the composition of state legislatures, including that of Nebraska.

Pressures on public officials and the way officials react to these pressures are very important parts of the governmental process. A. T. Burch, in an article in *State Government*, commented upon the doctrine that judges would not be influenced by newspapers. He wrote: "In 1947, Justice William O. Douglas gave a picturesque expression to this doctrine when he said: 'Judges are supposed to be men of fortitude able to thrive in a hardy climate.'\(^\text{17}\) It may be that the doctrine applies to legislators as well as
to judges, and that the "hardy climate" includes more than just newspaper influence. It appears that such a climate prevails in Nebraska, and legislators in the "Unicameral," as elsewhere, represent differing opinions and attitudes in regard to their responsibilities in representing their constituents in that climate.

Although Jewell and Patterson, in their work *The Legislative Process in the United States*, point out that modern legislative life is more complex than is indicated by the traditional "free agent" and "delegate" theories of representation, they define these terms in commenting upon Edmund Burke's ideas concerning representation:

He held to the "free agent" conception of representation, believing that the representative ought to be guided by his own best judgment, rather than to the "delegate" notion of representation, in which the legislator is instructed by his constituents and ought to vote their instructions regardless of his own views.18

Apparently some legislators have little difficulty in reconciling these two concepts, and see themselves as representing a homogeneous constituency. One lawmaker quoted in a study by John C. Wahlke, et. al., *The Legislative System: Explorations in Legislative Behavior*, apparently felt that his decision to vote as a free agent would result in an accurate representation of his constituents' views. In his words:

Basically, you represent the thinking of people who have gone through what you have gone through, and who are what you are. You vote according to that. In
other words, if you come from a suburb, you reflect the thinking of people in the suburbs; if you are of depressed people, you reflect that. You represent the sum total of your background.

Another legislator quoted in the same study expressed the same opinion more succinctly when he said: "I've lived in this town 39 years, and you think like the town does."20

Senator George Gerdes of Alliance is one member of the Nebraska "Unicameral" who seems to share this view. A western Nebraska rancher, Gerdes said he represented the Sioux County "cowboys" who wanted dollar for dollar of their tax money, i.e., they wanted the money well spent.21

Another Nebraska legislator, who evidently saw himself as the delegate of his constituents, seemed less sure of his judgment as to what his people wanted. Marvin Stromer, writing of veteran legislator Frank Nelson of O'Neill, wrote:

Group influences on this legislator were numerous and effective; Senator Nelson, in considering legislation, conscientiously makes every effort to cast his vote in favor of the majority in his district. He is an example of an elected official acting as a weathervane and reacting as to "which way the wind is blowing."22

Some Nebraska lawmakers appear to agree generally with the views of another state legislator quoted in Wahlke's study. On the subject of influence upon legislators, he said:

Vote your convictions rather than voting for what you think someone else thinks or wants. Let them defeat you if they want, and can. My first year here I tried to ask everyone's point of view and find out how I should vote. But that doesn't work; they don't know them-
selves what they want. They may tell you to vote for bill 121 but after talking to them you find out that what they really want would not be accomplished by the bill. Now I vote for what I think they want. I don't ask them anymore. I do it for them.\(^\text{23}\)

Two Nebraska lawmakers, both freshmen senators in the 1965 session, evidently practice this method of using their own judgment rather than seeking the wishes of their constituents. Senators Hal Bauer and John Knight of Lincoln were among the four senators who voted against the proposed constitutional amendment to authorize the use of public funds to transport children to parochial schools.\(^\text{24}\)

Both senators said they were subjected to a great deal of pressure on this question, and Senator Bauer stated that some of the people pressuring him had helped him in his campaign, and it was hard to say "no" to them.\(^\text{25}\) Senator Knight's stock answer to people who called him was that he felt he was sent to the Legislature to study matters and use his own judgment.\(^\text{26}\) He stated in the same interview that if the vote on the school transportation issue had been taken behind closed doors in the Legislature, the proposal would have gone down to overwhelming defeat.\(^\text{27}\) When this proposed amendment was referred to a vote of the people in 1966, it was defeated 253,945 to 191,986.\(^\text{28}\)

Senators Jules Burbach of Crofton and Stanley Matzke of Milford were more direct in expressing the view that they were free agents. Senator Burbach, Chairman of the
Revenue Committee in 1965, was quoted in a newspaper report as saying, "As a legislator, I am not interested in asking the people [by referendum] whether there should be an income tax or if the property tax should be repealed." Senator Katzke stated in an interview conducted for this study that he "doesn't give a damn" what his constituents think, because he didn't campaign on issues, but on his family and name.\(^\text{29}\)

Attitudes toward constituents may also be reflected in response to the mail which legislators receive. Senators Fern Orme of Lincoln and Kenneth Bowen of Red Cloud were identified in a newspaper study as legislators who answered all their mail, while Senator Elmer Wallwey of Emerson generally answered letters from his own district only.\(^\text{31}\)

The report said of Senator Terry Carpenter of Scottsbluff: "The postman delivers almost no letters to Carpenter. Those which do arrive for the most part, are from outside his legislative district and are never answered."\(^\text{32}\)

Senator Eric Rasmussen of Fairmont said he hears "quite a lot" from constituents, but requests for favors for their own sake are rare—most are requests for information.\(^\text{34}\)

A distinction must be made between pressures from
constituents, either individuals or organizations, and registered lobbyists, who must pay a fee and file reports with the Clerk of the Legislature.35 Dr. Belle Zeller, in the study of American state legislatures made by the American Political Science Association in 1954, made this observation: "Pressures from local or district sources seem to be much more prominent than other lobby pressures, except, of course, as pressure interests manage to siphon their influence through local channels. Local forces naturally tend to be more disruptive than integrative to a sessional program."36 Much depends, it seems, upon the attitude of the legislators themselves as to whether or not individuals, minority interests, and professional lobbyists will be influential in the legislative process. The Legislative Journal in Nebraska contains many notations of messages received from citizens throughout the state expressing support or opposition to pending legislation, but it gives no indication of their effect on the thinking or the voting of the members. There is little doubt that crowded hearing rooms and packed galleries are more influential than individual letters, unless the latter are in sufficient numbers to indicate an overwhelming public reaction on one side or the other. Professional lobbying, however, is another matter.

One of the arguments used by Senator George W. Norris in his criticism of the two-house legislature was that the
sinister influence of the lobbyists was most effective in controlling the conference committee. In his forward to John P. Senning's *The One-House Legislature*, Norris wrote: "The means by which special interests were able to entrench themselves and to get an unfair advantage over the ordinary people was, to a great extent, made possible by the existence of the double-chambered legislature."38

John P. Senning, Chairman of the Department of Political Science at the University of Nebraska at the time of the adoption of unicameralism in that state, was active in the drive to adopt the one-house system. In an article in the *National Municipal Review* in 1944, Senning wrote: "A few persistent lobbyists pester the legislature in their insistence on attaining their objectives. The very nature of the one-house legislature, however, is a check upon their activities. The direct and open procedure soon exposes any member who is prone to succumb to lobby influence."40 Continuing his contention that Nebraska's one-house legislature limits the influence of lobbyists more effectively than does the bicameral system, Senning thought it was more successful "because its small membership is unhampered by party control, and because of the open procedure, the searching publicity, and the neutralizing influence of opposing pressure groups upon each other."41 The latter factor is, of course, present in two-house legislatures, too.
Senning's view of the effect of unicameralism upon lobbying was not shared by one member of the first unicameral session in 1937. In an assessment of that session, Senator O. Edwin Schultz of Elgin wrote:

Definitely, what evils the conference committee may have had are done away with. Instead, however, organized minorities exerted pressure unknown before. It is conceded generally, by members as well as others, that many bills of a special nature were enacted by the unicameral body which would have died in a two-house session.42

A Lincoln newspaper reporter, H. T. Dobbins, writing of the same session, had this to say about the "Unicameral" and lobbying:

Nearly 200 lobbyists registered at this session. They included representatives of labor organizations, trade associations, professional societies, firemen and policemen mostly from Omaha, public officials, farm organizations, business groups, women's organizations, and men who proclaimed themselves as members of the people's lobby, self-elected. The charge that the unicameral passed more class legislation as a result of the operations of these pressure groups and organized minorities is substantiated by the record.43

Dobbins continued with a long list of legislative enactments and the groups that benefitted from them.44 This technique of reporting a session could be criticized on the ground that all the bills were not necessarily passed only because of the pressure exerted by the various groups. Nevertheless, the presence and influence of lobbyists in the first unicameral session was noted by a number of close observers, including Governor Robert L. Cochran, who said:
So-called legislative representatives, in other words lobbyists, were as great or greater in number under the one house system as under the two house system. With a reduced number of members in the legislature this subjected the individual member to greater pressure and annoyance, a condition which evoked from members strong complaints because of the easy accessibility of lobbyists to the members.45

Most of the observers of the Nebraska Legislature who contend that lobbyists are not very influential base their contention upon the fact that the small number of members of the Legislature make it difficult, if not impossible, for lobbyists to work behind the scenes.

Senator Richard Marvel of Eastings did not feel lobbyists were particularly influential because they have exposure, and cannot sell their goods to a majority leader but have to "sell" a majority of the legislators.46

E. M. Von Seggern, a member of the first unicameral session, had this to say about the subject of lobbying in the "Unicameral;"

Much could be said pro and con on the subject of lobbying. It is important to remember that while the lobbyist had fewer lawmakers to deal with, which may have made it easier for him, he could not avoid placing his friends on the spot. His allies on the floor were plainly known in the unicameral and not concealed as in the two-house sessions. Thus the lobbyist was brought out in the open and occupied the same spot as his law-making allies.47

Former Governor Cochran stated: "The actual operation of lobbying was brought out in the open more and subjected to public scrutiny to a greater extent than under the two house system."48
Adam C. Breckenridge assessed the lobbying situation in this way:

Legislators have not gone into isolation nor have they banished from their midst the forces around legislative halls seeking to influence and persuade. It is possible, however, that they may be more readily aware of these forces than they were or might be under a two-chamber system.49

One observer, himself identified as a lobbyist, took a different view of the "Unicameral" as a target of special interests. A newspaper report of an interview with Nebraska businessman Thomas Pansing contained this statement:

In Pansing's experience, it is "easier to lobby" in the Nebraska Legislature than in a partisan chamber, where the leadership may be concentrated in a smaller number of lawmakers.

These are individuals whom Pansing said lobbyists must seriously convince by hard logic, rather than through the provision of small favors.50

The "small favors" referred to by Pansing would include hotel rooms maintained by various interest groups--railroads, liquor industry, labor unions, beer interests, and others--where legislators can get free lunches, free drinks, play cards, or just visit. A number of the legislators interviewed for this study mentioned these facilities and named the lobbying groups that maintained them, but not all were in agreement on what goes on at these gatherings or what effect they have on legislators.

Senator Hal Bauer of Lincoln mentioned that the railroads spend a lot of money on lobbying activities and
maintain a room at the Cornhusker Hotel, where they furnish free lunches all the time. Senator Bauer said he enjoyed being wined and dined, but he didn't feel that he was "bought" or that anyone tried to buy him.  

Senator John Knight also mentioned the railroad lunch room, and said they made it a point not to talk legislative business there, but Senator Fern Orme said they did talk business at the "liquor cocktail hour."  

Senator Stanley Matzke stated that the Unions ran a breakfast table which is now split with the Telephone Company, each running it three days a week. He also said the liquor lobby has a hotel room, and the beer lobbies now go together to furnish a beer room.  

A newspaper story on lobbying, written by Arch Donovan of the Lincoln Star in 1966 reported that Max Towle and Farley Young of the railroad lobby provided noon lunches, and added, "legislators can get drinks anytime."  

This practice of providing such services for the legislators is by no means new, for the lobbies were attacked in the Senate in 1951 by Senator Wellensick of Grand Island.  

In 1955, the Lincoln Star carried this account:  

Representatives of labor groups, senators report, are usually on hand in the morning to pickup [sic] the breakfast checks.  

One said that for a while he ate breakfast by
himself, but that when the waitress kept taking his check over to the lobbyists, he decided he might as well eat at the table with the others and have company.\(^{57}\)

There is evidence that the prevailing code of ethics requires that the lobbyists do not "pressure" the legislators, and that legislators are free to accept the favors, but not to be influenced by them, and overt attempts to "buy" legislators are likely to be attacked on the floor of the Legislature.

John P. Senning, in an article entitled "Unicameral Passes Test," wrote: "It is not uncommon for a legislator on the floor of the House to call a lobbyist by name and to state in what underhanded practices he is engaged."\(^{59}\)

Senator Stanley Matzke claimed the Nebraska "Unicameral" is the most honest legislature in the United States. He said he has seen only one senator get anything for introducing a bill. He got a case of liquor, took it, then told everyone, and the bill was killed unanimously.\(^{59}\) However, the Milford senator also stated: "Some legislators head for the lobby room at 4 P.M. to get their orders for the next day."\(^{60}\)

Senator Eric Rasmussen of Fairmont said he did not feel there was any pressure from the social gatherings in the lobbyists' rooms. Senator Rasmussen said of lobbying: "Legislators get the kind of pressure they ask for. If you make up your own mind, they accept it. Some are run
Senator Terry Carpenter, whose attempt to exclude registered lobbyists from the entire legislative floor area was defeated 35-5 in the 1965 legislative session, was sure that the "wining and dining" of legislators does have an effect. In an interview for this study in 1966, he said:

> Of course legislators are affected by the lunches and liquor given to them. "They" don't ask them for anything—they don't have to. If I eat off you and live with you for six months and you say, "Here's the lawn-mower," what am I supposed to assume you want done? 63

Senator George Gerdes mentioned a possible effect of lobby influence. He stated that lobbyists' bills have to be worthwhile. Some legislators get a reputation for "carrying bad bills," and then can't get support for good ones. 64

Although legislators and lobbyists alike contend that "good" lobbyists furnish honest, factual information to the senators, even this has its drawbacks, for legislators who depend upon lobbyists for their information may be unduly influenced by that information.

Senator Rick Budd of Nebraska City felt that some legislators depend too much on lobbyists, and Hugo Srb, Clerk of the Legislature, expressed the view that some legislators do not study bills enough—they depend upon lobbyists for their opinion as to "good" or "bad" bills. 67

It is obvious that lobbyists do more than furnish
factual information. The Lincoln Star had this conclusion in a study of lobbying in 1955: "Almost all members inter-
viewed thought no vote could be 'bought for a meal.' How-
ever, the growing number of lobbyists and increased expen-
ditures by lobbyists indicate that special interests believe the free meals and other lobbying activities pay."68

Senator Terry Carpenter was reported as explaining to a reporter of the Lincoln Journal "that lawmakers in 1963
made kind of a gentlemen's agreement with liquor interests, saying the legislative branch would lay off in 1965."69
Senator Carpenter was also quoted in another newspaper as saying he tried to exclude lobbyists from the legislative area "because at the last special session activities between lobbyists and senators 'resembled a semaphore operation of the railroads in the 1920's.'"70

While it is true that lobbyists are sometimes verbally chastised on the floor of the Legislature, it is also true that lobbyists in general, as well as individual lobbyists, are apparently held in high esteem by the legislators.

A total of 13 lobbyists registered in the 1967 Legislature are former legislators, including three recent Speakers of the Legislature. Don Thompson of McCook, Speaker of the 1961 Legislature, is a lobbyist for the Nebraska Electric Generation and Transmission Cooperative;
William S. Moulton of Omaha, the 1963 Speaker, is a lobbyist for the United States Brewers Association; and Kenneth Bowen of Red Cloud, Speaker in the 1965 session is registered as a lobbyist for the League of Nebraska Municipalities. 71 Mr. Bowen resigned from the "Unicameral" before the session began in 1967 and registered as a lobbyist for the session. 72

Senator Arnold Ruhnke of Plymouth, a veteran of seven legislative terms, was reported to be leaving the Legislature in 1968 to become an executive officer for the Nebraska Association of County Officials, and it was "anticipated Ruhnke will also sign in as a lobbyist for the county officials organization for the 1969 session." 73

The newspaper account included the information that the former senator who found his lobbying activities most profitable was David B. Tews of Lincoln, who reported an income of $56,915.85 from 15 clients, and reported expenses of $962.06. 74

There is little reason to doubt the effectiveness of a lobbyist who was popular enough with his colleagues to be elected Speaker while he served in the Legislature, but it appears that lobbyists do not need to be former members to hold the respect of the senators. At the close of the 1955 session, when the members of the Legislature were expressing their thanks to the various individuals and groups who had
contributed to the success of the session, "Sen. Lester Anderson of Aurora said 'we've been passing out brotherly love to everyone except those who deserve it most.' With that he moved the body's thanks to the 'second house' lobbyists for 'counsel, advice, and efficiency.'"\textsuperscript{75}

In the 1963 Special Session of the Legislature, Senator Carpenter asked the chair to appoint the Omaha legislators to escort Mr. Charles W. Hoye, a lobbyist for the Nebraska Brewers Association, to the rostrum. This was done, and Mr. Hoye "addressed the Legislature briefly."\textsuperscript{76}

This courtesy accorded Mr. Hoye helps to explain Senator Carpenter's statement in an interview for this study in 1966 that "What Hoye wants about beer, he gets."\textsuperscript{77}

When the Scottsbluff senator was trying to get the lobbyists excluded from the legislative area in 1965, the \textit{Lincoln Evening Journal} reported:

Sensor Frank Nelson of O'Neill voted some industry representatives would have physical difficulty claiming legislative balcony stairs.

Defending lobbyists as honest men who have a job to perform was Omaha Sen. Sam Klaver.

And Sen. Herb Nore of Genoa said he, as a freshman solon, owes a 'real debt of gratitude' for all that lobbyists have done for him to date.\textsuperscript{78}

Senator Carpenter again figured in a legislative debate about lobbyists in 1965, when he criticized "the current activities of 'a highly vicious, sinister lobbyist'"
involved in work against LB 301, the educational service unit proposal."79 The newspaper report identified the lobbyist as S. H. Brauer, Jr., the son of Senator S. H. Brauer, Sr., of Norfolk.80

In 1964, Dick Herman of the Lincoln Evening Journal wrote: "It is not possible, under Nebraska's laws and the way they are administered, to discover how much money really is being spent—and where—in legislative lobbying activities."81 "Nor can anybody be certain who is a lobbyist and who is not," he added.82

The Legislature attempted to correct this situation in the 1965 session. A lobbying act passed in that session defined a lobbyist as "any person who engages in the practice of lobbying for hire including, but not limited to the activities of any officers, agents, attorneys or employees of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying."83

Lobbying was defined as:

...the practice of promoting or opposing the introduction or enactment of legislation or resolutions before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation or resolutions.84

The 1965 Lobbying Act requires lobbyists to register with the Clerk of the Legislature and give the name of the principal, description of the legislation (including the
bill or resolution number if it is known), and a statement by the principal that he has authorized the applicant to lobby for him.\textsuperscript{85} No hiring of lobbyists may be contingent upon the passage or defeat of legislation.\textsuperscript{86}

The requirement that lobbyists pay a $5.00 registration fee and report income and expenses exempts living expenses of lobbyists and amounts reportable for federal income taxes, unless the contract provides that these amounts are to be used for lobbying.\textsuperscript{87}

Lobbyists are required to report details of any money loaned or promised to legislators or anyone acting in their behalf, money spent for "food, refreshments, entertainment, transportation, or other services" where legislators were included in the group for which the reported expenditures were made.\textsuperscript{88}

Professional services in drafting bills and advising clients as to the construction and effect of legislation are exempt from the law regarding lobbying if the services are not connected with legislative action.\textsuperscript{89}

Violation of the lobbying law is a misdemeanor, punishable by not more than six months' imprisonment and a $500 fine.\textsuperscript{90}

A total of 164 lobbyists registered for the 1965 Legislature\textsuperscript{91} and 184 had registered for the 1967 session as of May 13, 1967.\textsuperscript{92} Whether or not the 1965 Lobbying
Act will correct the situation described by Mr. Herman of the *Lincoln Journal* will be determined by experience with the new regulations.

It is likely that the influence of lobbyists depends to a considerable extent upon the character of legislators, and that many factors are instrumental in checking the impact of lobbyists, if indeed it is checked. One report had this summary of lobbying in the unicameral system:

> It has been argued that unscrupulous men might corrupt one house to secure the passage of legislation that they desire, but they would be unable to corrupt both houses. On the other hand, the principal argument used by the late Senator George W. Norris in his advocacy of the one-house legislature in Nebraska was that it would curb the power of lobbyists and make it much more difficult to corrupt the legislature. Senator Norris pointed out that most special-interest lobbies desire to defeat rather than to promote legislation, and that the bicameral system offers the lobbyists many points at which a bill may be blocked.

Charles W. Shull made this statement in his study of unicameralism in Nebraska:

> On the debit side there must be placed these items. One is the excessive, almost pathological concern over lobbyists which colored the original reaction to the newer institution. There is an apparent failure on the part of many observers to note these facts. There has been a great growth in the use of pressure group or lobby tactics within American governments at all levels including the legislative, and thus the Nebraska plight is but a segment of a larger problem. Secondly, if the same number of lobbyists or legislative agents who formerly operated upon a two-chambered legislature, must now only concentrate upon a single-house, then the increase is more apparent than real. This seems to have been the case in Nebraska.

Nevertheless, there is considerable disagreement in Nebraska concerning the effectiveness of lobbyists and the
the quality of legislators in the "Unicameral," ranging from
the contention of one unnamed Nebraska senator that "This
system is a lobbyist's dream"95 to the belief of Senator
Eric Rasmussen that much depends upon the individual legis­
lator. And although the 1966-67 Book of the States shows
that the Nebraska Legislature receives important services
available to other state legislatures--reference library
facilities, bill drafting, bill and law summaries, recom­
mended legislation, research reports, spot research,
revenue and expense studies, and budgetary review--from the
Research Department of the Legislative Council,96 some
legislators feel that they have inadequate staff and inade­
quate information, thus making them more dependent upon
lobbyists.97

It appears that the makeup of the Nebraska Legisla­
ture, measured by such objective criteria as education,
occupation, and tenure of the members, does not differ
materially from that of the legislative bodies of compar­
able states; that the problems of lobbying, staff, and
inadequate pay plague the Nebraska lawmakers as they do
dlegislators everywhere; and that the quality of the legis­
lative membership is at least as good as can be expected
from a system that suffers from those problems associated
with the legislative branch of state government in virtual­
ly all of the states.
NOTES ON CHAPTER VI


10. Loc. cit.


13. Ibid., pp. 229-256.


20. Ibid., p. 274.

21. Interview in Lincoln, August 9, 1966.


27. Loc. cit.
30. Interview with Senator Stanley Matzke of Milford, at Milford, Nebraska, August 6, 1966.
31. Lincoln Sunday Journal and Star, April 18, 1965, p. 2B.
32. Loc. cit.
33. Loc. cit.
34. Interview at Fairmont, Nebraska, August 6, 1966.
39. Behind These Doors, pp. 7-8.
41. Ibid., p. 6.
44. Ibid., pp. 13-14.
46. Interview in Lincoln, September 1, 1966.
49. Breckenridge, One House for Two, p. 49.
52. Interview in Lincoln, July 25, 1966.
53. Interview in Lincoln, August 4, 1966.
54. Interview at Milford, Nebraska, August 6, 1966.
59. Interview at Milford, Nebraska, August 6, 1966.
60. Loc. cit.
61. Interview at Fairmont, Nebraska, August 6, 1966.
63. Interview in Lincoln, August 8, 1966.
64. Interview in Lincoln, August 9, 1966.
66. Interview in Lincoln, August 8, 1966.


74. Loc. cit.


77. Interview with Senator Terry Carpenter of Scottsbluff, in Lincoln, August 8, 1966.


80. Loc. cit.


82. Loc. cit.


84. Loc. cit.


86. Ibid., 50-316, p. 1219.

87. Ibid., 50-313, pp. 1218-19.


95. *Behind These Doors*, p. 23.


97. Interview with Senator Rick Budd of Nebraska City, in Lincoln, August 8, 1966; Interview with Senator Richard Marvel of Hastings, who said in an interview conducted for this study on September 1, 1966, "Lobbyists are invaluable for research." Also see Lincoln Sunday Journal and Star, April 18, 1965, p. 2B.
CHAPTER VII

CONCLUSIONS

The purpose of this study was to determine, on the basis of an examination of recent sessions of the Nebraska unicameral Legislature, how the "Unicameral" currently functions in respect to organization, procedure, leadership, and lobbying, to consider what the Nebraska system might offer in those areas for facilitating the legislative function, and to test the argument advanced by unicameral advocates that more capable individuals are attracted to legislative service in the single-house legislature.

In the preceding chapters the background, setting, and functioning of the nonpartisan, single-house Legislature of Nebraska is examined. This chapter sets forth the conclusions drawn from the data assembled in that examination.

In considering the background in Nebraska which led to the adoption of a legislative system that is unique among the fifty states, it is to be noted that the unicameral legislative system is not unique in terms of its use generally, for single-chamber legislatures are used in local government in this country, and approximately 40 per cent of the nations of the world have unicameral legislatures. In state government, single-house legislatures were in use in some states before the adoption of the federal constitution,
and Vermont had a unicameral legislature for nearly half a century after it was admitted to the Union. At the time it was being considered in Nebraska, the one-house plan was the subject of interest in other states, and from 1912 to 1937 two-thirds of the states considered proposals for adopting unicameralism.

In Nebraska, the first session of the "Unicameral" in 1937 was the culmination of efforts that had begun more than twenty years earlier. From 1913 to 1933, proposals for a one-house legislature for Nebraska were rejected at various stages of consideration on at least eight occasions, so there was opportunity for Nebraskans to acquaint themselves with the plan before they were called upon to vote on it in 1934. Thus it is clear that Nebraska did not adopt a "new" plan for its legislative branch in 1937, and it was not as radical an action as it may have appeared at that time.

The evidence shows that the primary reason Nebraska is the only state with a one-house legislature is that the movement for unicameralism in Nebraska was led by the late Senator George W. Norris. The political and economic heritage of Nebraska, although not a great deal different from that of other states in this region, seems to have contributed to the decision to adopt the unicameral plan, particularly in combination with Senator Norris' leadership.
"Every professional lobbyist, every professional politician, and every representative of greed and monopoly" that the Senator scored in his address to the opening session of the "Unicameral" on January 5, 1937 were enemies, real or imagined, that many Nebraskans had been fighting since pioneer days, and apparently many of them supported the nonpartisan unicameral system because the Senator insisted that it would reduce the influence of those "interests."
The Senator's leadership is the only factor in the unicameral movement that was present in Nebraska but in no other state, so it seems logical to conclude that it was the deciding factor there, and apparently the plan has not been actively promoted in other states by men of his stature and dedication to the cause of unicameralism.

It seems clear that the nation's only single-house state legislature functions in a distinctly conservative setting, despite a changing demographic pattern and some evidence of a changing outlook in Nebraska. Some major characteristics of the state—Republicanism, a rural and agricultural heritage and outlook, frugality in taxing and spending policies—are indicative of the conservatism of the state, and the relative position of Nebraska among the fifty states in a number of areas, particularly in per capita terms, adds to the evidence. In 1965, Nebraska was 50th in state taxes per capita, 49th in percentage of per capita
personal income paid in state taxes, 39th in expenditures per pupil in elementary and secondary schools, 37th in average salaries of secondary teachers, 44th in average salaries of elementary teachers, 50th in per capita expenditures for vocational and technical education, and 44th in average salaries paid to state workers other than professional education staff members. Moreover, the state lags behind other comparable states in key areas of support for the University—faculty salaries, per student expenditures, and additions to the library holdings. Although there is evidence that efforts are being made to improve the situation in Nebraska, these efforts are being matched or exceeded by other states, so the state's relative position does not improve. For example, Nebraska is also below the states with which it was compared in a 1967 study in rate of increase in total expenditures for the University.

Generally speaking, it does not appear that the "Unicameral" has often been significantly out of step with the people of Nebraska. In this conservative environment, only three of its enactments have been referred to the people and repealed by referendum in some thirty years, compared with seven referred and four repealed in the twenty-five years—1912-1937—that the initiative and referendum were in existence under the bicameral system. However, in recent years, initiative and referendum activity has
indicated that there is dissatisfaction with the Legislature in the area of taxation and spending. In 1966, after an income tax law was passed by the 1965 Legislature, Nebraska voters not only repealed the law by referendum but also abolished the state property tax by means of a constitutional amendment submitted by popular initiative, leaving the state without any major revenue source. The present income and sales tax law was passed in 1967 only after vigorous opposition and another referendum. In 1968 a petition drive to limit state spending increases by a detailed constitutional amendment was unsuccessful. That complicated amendment proposal would have prohibited spending "in excess of the amount spent during the 1965-67 biennium multiplied by 1 1/2 times the increase in the consumer price index plus the increase in the population of the state added to the amount spent during the 1965-67 biennium." 4

The demographic pattern of Nebraska is developing along the line of national trends--urban growth, increased non-farm employment, and increased percentages of the population in both the 65-and-over and the 19-and-under age groups. However, these changes have not been accompanied by discernible changes in the political patterns of the state. Although the population of Nebraska is shifting from traditional Republican strongholds--farms and small
towns—the Republican Party continues to dominate state politics. Republicans currently hold all of the state's seats in Congress, the governor's office and all state-wide elective offices, and the Legislature, although officially nonpartisan, has approximately a three to one ratio of Republicans over Democrats in its membership.

Since all state legislative bodies are now required to use population as the basis for reapportionment, the unicameral system offers only the inherent advantage of apportioning a single chamber instead of two. The experience of Nebraska does not show that the process of reapportioning the "Unicameral" is simpler than the process in other legislative bodies. The Nebraska "Unicameral" was reapportioned for the first time in its history in 1963, and that and another plan were invalidated by federal court rulings before a valid plan was produced by the 1965 Legislature. The result was an apportionment that increased the districts from 43 to 49, with a ratio of largest to smallest district of 1.2, compared with a ratio of 2.7 in 1960, and urban districts are, on the average, smaller in terms of population than the average for the state as a whole (Table III, p. 78). However, it was not a particularly forward-looking plan, for although senators from Omaha and Lincoln represented an estimated 31.2 per cent of the population and comprised 34.7 per cent of the "Unicameral" in
1967, the estimated population growth rate for those two cities combined, in the period 1960-1966, was 11.9 per cent, compared with 5.3 per cent for the rest of the state.5

In the size of the body, the biennial session with no limitation as to length, and the four year term, the "Unicameral" provides little that is unusual. Although the recent increase in size, the first change in membership since unicameralism was adopted and which brought it to within one of the constitutional limit of 50 members, is contrary to the present trend, the membership of the Nebraska Legislature is still less than one-third that of the average state legislature. The Nebraska system has demonstrated that the work of the legislature can be done by one house that is not much larger than the average state senate.6

Legislative sessions in Nebraska are considerably longer than in most states; a typical session of the "Unicameral" runs more than six months, and the average length of the last four regular sessions was 135 legislative days (Table I, p. 74).

Simplified organization is one of the advantages claimed by supporters of unicameralism, but the organization of the Nebraska Legislature is affected by the single-house feature in much the same way as apportionment is affected, i.e., the organizational work has to be performed in only
one chamber, but that in itself does not make the actual process less difficult. It is true that since the absence of party labels is maintained in organization, there are no majority and minority party leadership positions to be filled, and no majority and minority designations on committees, but these are results of nonpartisanship, rather than the single-house feature.

The list of officers of the Nebraska Legislature follows tradition, and it is interesting to note that Nebraska retained the titles of both presiding officers of the bicameral legislature in the official organization of the "Unicameral"—the Lieutenant Governor as President and presiding officer, and the Speaker of the Legislature as the official leader of the body.

The number of standing committees in state legislatures is declining, and the "Unicameral" of Nebraska, with seventeen standing committees, thirteen of which consider legislation, has less than the average for state legislative bodies. The urban-rural balance on committees seems to be a problem in Nebraska on occasion, and committee representation for urban legislators in the sessions examined was better in quantitative terms than it was qualitatively. On the basis of their proportion of Senate membership, Omaha and Lincoln senators were overrepresented on nearly two-thirds of the committees that handle bills and resolutions,
but those on which they had less than their "fair share" of seats were the more important ones—Budget-Appropriation in 1965 and the Revenue Committee in both sessions, for example (Table V, p. 98). In both sessions, urban senators had fewer committee chairmanships than their numerical ratio in the Senate would entitle them to have. Although the urban-rural issue is not peculiar to Nebraska, it does indicate that the problem has not been solved by the single-house plan.

The evidence leads to the conclusion that in respect to the role of seniority in organization, the "Unicameral" is similar to the general pattern in state legislatures. As a factor in the selection of members for committee and leadership positions it is frequently outweighed by other considerations. However, some advantage evidently accrues from previous service, for in the 1967 session the only standing committees with no freshman members were Budget-Appropriation, Revenue, and Rules. Although this was not true in 1965, there were 22 freshmen legislators in that session.

It is not the general practice in the "Unicameral" to retain the same chairman of standing committees for session after session, although there are exceptions, and it is not at all uncommon for a legislator to chair a committee in his second session in the Legislature (Table IV, p. 95). In
the 1967 session, eight standing committee chairmen had served in less than three previous sessions, while eight senators with more seniority did not hold a committee chairmanship or another leadership post. Included among the latter group was the senior member of the Legislature.

The position of Speaker does not, as a rule, go to the top man in terms of seniority in the Legislature, and in the last four sessions the Speaker was no higher than fourth from the top in years of service. It appears, then, that committee assignment and leadership selection in the "Unicameral," as in other state legislatures, are based upon seniority in combination with other factors, rather than in place of them.

With the notable exception of the absence of the conference committee, procedures employed by the unicameral Legislature of Nebraska would appear to be applicable to any legislative body. A few of the provisions are worth noting, however, as procedural improvements are among the advantages that the single-house advocates have advanced in their arguments for the system.

The requirement of two readings, by title when introduced and in full on Final Reading, seems adequate, particularly in view of the rules that bills must be on the members' desks for two days before Final Reading and passage and that members must remain in their seats during the Final
Reading of a bill. On the basis of personal observation, the latter rule appears to be enforced, although the actual reading is often a long, tedious process. In the reading requirement, the "Unicameral" provision is less strict than that of most state legislatures as more than three-fourths of the states require three readings.11

The provision that any member can require a record vote on any question before the Legislature has merit as a means of fixing legislative responsibility. It also affords the opportunity for legislators to apply pressure on their colleagues on occasion.

The recently adopted rule that any bill recommended to General File must be accompanied by a "fiscal note" setting forth the estimated changes in revenue and expenditures that would be brought about by its provisions may prove to be a useful device, although the Nebraska rule seems to prescribe the procedure in excessive detail, covering about one and one-half pages in the Rules.12

The rule which allows bills to be referred directly to General File when they are introduced also has merit. The "Unicameral" has been criticized from the beginning for wasting too much time on insignificant matters because of the requirement that a public hearing must be scheduled for every bill referred to committee. Although the rule has not been used extensively, it has potential for alleviating this
A bill with a clause declaring an emergency goes into effect upon being signed by the governor, and over half the bills passed in the 1967 session of the "Unicameral" carried the emergency clause. Thus it appears that this clause does not necessarily indicate that a real emergency exists.

The governor of Nebraska has five days in which to act on a bill, the same period specified in twenty other states, and although he has an item veto, it is virtually cancelled by the constitutional provision that it does not apply to budget items that were approved by a two-thirds vote on original passage.

The procedure employed in the "Unicameral" has a significant result that facilitates the legislative function--avoidance of the last minute rush that is a common feature of bicameral legislatures. One study states: "It is not unusual to find as many as 50 per cent of all bills passed during a session receiving final approval in the last week before adjournment." 

In the 1963 and 1965 sessions of the "Unicameral," less than 10 per cent of the bills passed and killed were disposed of in the last four weeks of the session, and in 1967, although more of the work was done in the last month than in the two previous sessions, the figure was still less than 15 per cent. In those sessions, the final disposition
of bills was quite evenly distributed over the entire session (Table VI, p. 140). This feature of Nebraska has two results: it improves the chances of all measures to receive adequate deliberation, and it reduces the confusion which contributes to errors and omissions in the preparation, scheduling, and passage of bills late in the session. In respect to even work flow and the absence of the logjam of bills late in the session, it can be said that the "Unicameral" has fulfilled the expectations of its supporters.

Another result of the Nebraska unicameral system is a high percentage of enactments of proposed bills. In 1965, the Legislature enacted 62 per cent of the bills introduced, compared with an average of 34 per cent for all states, and the 1967 session passed more than two-thirds (66.9 per cent) of the bills proposed. While the figures do not indicate the quality of the legislation enacted, they lend support to Malcolm Jewell's contention that "In any state the use of a unicameral system should make it easier to pass legislation--good or bad."16

It seems evident that legislative procedure in the Nebraska "Unicameral" is a feature of that system that supports the claims of advocates of the single-chamber legislature, but that the procedural practices are not necessarily restricted to a unicameral legislature.

The theory that the single-house system attracts
legislators superior to those in bicameral legislatures is not substantiated by the findings of this study of the Nebraska Legislature. Measured in terms of education and experience as lawmakers, Nebraska senators as a group do not differ appreciably from state legislators generally, but in recent sessions the Nebraska "Unicameral" has contained fewer lawyers and more businessmen and farmers than have the legislatures of some comparable states (Table IX, p. 193). Subjective evaluations of Nebraska legislators varied; some members with considerable service thought the caliber of members had improved in recent sessions, but both Senator Eric Rasmussen and Governor Morrison commented upon the difficulty of getting forty-nine "good" senators.17 Senator Stanley Matzke called the Legislature "a training ground for lobbyists" and "forty-nine candidates for governor."18

The theory of "better" legislators under the unicameral system may also be considered in relation to a major concern with Nebraska unicameralism--the development of political leadership for the state.

The record shows that members of the "Unicameral" do not often go on to hold higher political office. No member of Nebraska's current delegation to Congress has served in the Legislature,19 and only 28.6 per cent of the governors elected since 1937 had previous service in the "Unicameral," whereas more than two-thirds of the state's chief executives
prior to that time had served in the bicameral Legislature. Only one of the five members of the Legislature who ran for higher office in 1966 survived the primary, and he was subsequently defeated in the general election. Studies cited by Jewell and Patterson show that previous state legislative service has been more prevalent among political leaders in other states than it has been in Nebraska under unicameralism.\textsuperscript{20} Although it is often charged that the development of political leadership in Nebraska is adversely affected by the nonpartisan election of legislators, this cannot be established except by comparative analysis.

A potential advantage of nonpartisanship that has been advanced is that it may make it easier to elect people of the minority party. Although this may be true in individual cases, it was not borne out in the party composition of the 1965 and 1967 sessions of the "Unicameral," when the minority party (Democrats) representation (26 per cent) was considerably less than the normal Democratic percentage of the vote in Nebraska. In 1964 and 1966, the Democratic vote in the primaries for the offices of governor and United States senator ranged from 33 to 42 per cent of the total.\textsuperscript{21}

Whether or not more liberal salaries have a salutary effect upon the quality of legislators attracted is not definitely known,\textsuperscript{22} but Nebraska has not made use of the potential of the small single-house Legislature for
providing higher pay within a relatively small legislative budget. Nebraska senators are paid $4800 per biennium in payments of $200 per month, considerably less than the $6025-6300 median compensation for state legislators throughout the nation, and the small amount paid creates financial problems for some legislators in Nebraska. Senator George Gerdes, from the western part of the state, estimated that it cost him more than $2000 per year to serve in the Legislature, and Senator Hal Bauer stated that although he "made a little money" on the $200 per month because he lives in Lincoln, he had to get out of the "Unicameral" for financial reasons, as he could not devote enough time to his law practice.

Although the quality of legislators is extremely difficult to assess, it is clear from the evidence in this study that the Nebraska system is not a guarantor of "superior" legislators. One member of the "Unicameral" has been reelected to that body six times since he was censured by a vote of 37-2 by the Senate for seeking employment as an attorney and advertising business for his newspaper in return for killing a bill that he had introduced.

Nebraska legislators have approximately the same research and informational services available to them as do legislators in other states. The Legislative Council, consisting of all members of the Legislature, maintains a
Research Department, which provides a Reference Library and a bill drafting service, and a Legislative Fiscal Analyst for financial information.27

The validity of the claim of easier development of competent leadership under unicameralism has not been demonstrated by the Nebraska experience, and the issue of leadership in the nonpartisan unicameral system is the subject of continuing debate in Nebraska. Legislative leadership, like quality of legislators, is difficult to evaluate. In a recent study of the American legislative process it is stated that "...legislative leadership is a variable, heavily dependent on the personal skills of leaders."28 In the absence of formal party structure, leadership in the "Unicameral" appears to be particularly fragmented. The leadership that is exercised at various times by various senators is apparently based on their knowledge of the subject matter being considered. The Speaker is neither the presiding officer nor the leader of the majority, and there seems to be substance to the charge that each legislator is "on his own," and that there is little leadership directed to the enactment of a sessional program. Some legislators feel that this is due, in part at least, to lack of leadership from the governor.

The charge of inadequate legislative leadership from the executive was made by a number of Nebraska legislators.
interviewed for this study. Although some felt that this was a consequence of the Legislature's being elected on a nonpartisan basis and the governor's running under a party label, much of the criticism was directed at the particular governor. Dr. Adam Breckenridge suggested it was the party identity of the governor, rather than the nonpartisan system, that weakened the influence of Governor Morrison, who was a Democrat. However, the lack of gubernatorial leadership and legislative-executive liaison has been the basis of criticism of the "Unicameral" during the administrations of governors of both parties. On the basis of this study, the evidence indicates that the "Unicameral" has not been particularly successful in these areas.

In the campaign for unicameralism in Nebraska it was claimed that it would reduce the influence of special interests in the Legislature. To the extent that this influence is exercised through the conference committee, the claim, of course, is valid, but not all lobby influence is channeled through this committee, and the "Unicameral" is subject to influence by lobbyists in other traditional ways.

It may be true that venal activity is discouraged by the small size and relatively open procedures of the Nebraska system, which exposes it to a somewhat greater degree of public and legislative scrutiny, as some supporters claim.
However, it is difficult to escape the conclusion that the influence of lobbyists upon the "Unicameral" is very great, a conclusion based upon the extent to which some legislators seem to be dependent upon lobbyists for information and the high esteem in which lobbyists appear to be held by legislators generally. This is not to imply that the "Unicameral" is corrupted by lobbyists; it does appear that some members are unduly influenced by them. Exposure to legislative scrutiny is hardly a deterrent to activity that the legislators find helpful, and which is openly given and received. In this situation, which appears to prevail in Nebraska, the subtle effect of small favors may be considerable. Senator Richard Marvel stated that "lobbyists are invaluable for research,"30 and some legislators interviewed for this study said that "good" lobbyists furnish factual information, often "on both sides" of a question.31 If, as this suggests, some legislators are dependent upon information from both sides presented by someone presumably paid to represent one side, that person's influence would appear to be substantial. A former governor, several former Speakers, and a number of former legislators are now lobbyists, and these representatives of special interests enjoy the advantage of past associations with and in the Legislature. This relationship between legislators and lobbyists is a personal factor, rather than a structural or procedural
characteristic of unicameralism, but it certainly damages the thesis that the unicameral system reduces the influence of lobbyists in Nebraska.

Although charges are sometimes made that "behind-the-scenes" partisan activity does occur in the Nebraska Legislature, the evidence of this study shows that, in general, the nonpartisan approach is followed in the "Unicameral" in all of its formal practices, and much of the criticism of that feature appears to be based on the assumption that nonpartisanship does prevail.

The voting record in the "Unicameral" in 1965, when the party affiliations of all members were known, indicates that nonpartisanship was followed in practice as well as in theory. Party majorities voted on opposite sides on less than two per cent of the roll calls in that session, and a partisan basis for the voting could not be definitely established in even those cases (Table VII, p. 169, and Table VIII, p. 170). Even the Republican Speaker voted with the opposition majority more often than he did with the majority of his own party members in those cases.

Democrats made up approximately 26 per cent of the members of the Legislature in the 1965 and 1967 sessions and in each session four of the sixteen appointed committee chairmen were Democrats. Although Democrats were underrepresented on the Budget-Appropriation Committee in both
sessions, holding no seats on that important committee in 1967, of the eight Revenue Committee seats, they held three (37 per cent) in 1965 and four (50 per cent) in 1967, including the chairman in both sessions. The minority party also held 30 per cent of the positions on the Committee on Committees which made the assignments in these sessions. From this evidence, it was not established that assignments were made on partisan grounds.

Although some legislators expressed the opinion that partisan elections might lead to more leadership and direction, only one senator interviewed for this study spoke in favor of a partisan "Unicameral," and efforts to return to a partisan Legislature have been opposed by a majority of the members. It does seem, however, that some of the support for nonpartisanship is prompted by unwillingness to tamper with the unicameral plan, rather than by a commitment to the nonpartisan feature itself.

After the first unicameral session in 1937, a Nebraska legislator who had served under both systems stated that there "was nothing in the way of rules or procedures that could not have been practiced by the two-house legislature." It is clear that in a number of elements of the legislative function, Nebraska's "Unicameral" does not deviate significantly from what is done in the legislatures of other states. What the Nebraska Legislature does in
respect to the size of the body, sessions, terms, services, compensation, committees, and seniority practices is not imposed upon it by the distinctive characteristics of the Nebraska legislative system--either the single chamber arrangement or the nonpartisan election and organization of the Legislature. The "Unicameral" or the people of Nebraska exercise a choice among alternatives in these matters, and the alternatives chosen do not seem to be peculiar to the unicameral system.

The experience of the Nebraska unicameral Legislature seems to have demonstrated that a second legislative house is not indispensable to the prevention of rash or hasty action by the legislature. To what extent the record in Nebraska is due to the conservative character of the state or to the makeup of the Legislature itself cannot be determined from the evidence available. The record does appear to demonstrate that the checks which are part of the two-house system can be provided in the unicameral system. The safeguards against irresponsible legislative action within the unicameral institution appear to be adequate, even without the additional checks provided by the executive veto, the judicial power to review legislative actions, and the initiative and referendum. The latter, used in Nebraska both for checking actions of the Legislature and for initiating laws and constitutional amendments, provides for
positive as well as negative action by the people.

Some observers feel that nonpartisanship is a more important feature of Nebraska's legislative system than is the single-house. The nonpartisan character of the Nebraska "Unicameral" removes the element of party interests from consideration in a number of decisions—apportionment, committee appointments, and leadership selection—in addition to individual decisions regarding issues before the Legislature. Theoretically, the nonpartisan approach removes one reason for gerrymandering in reapportionment, simplifies the organizational work to be done in each session, and bases ultimate leadership selection on factors other than the party division in the legislative body. The extent to which these consequences are realized depends, of course, upon how closely the theory is followed in practice.

It is by no means certain that alleged major shortcomings of unicameralism in Nebraska—lack of leadership in the Legislature, an undistinguished record in developing political leadership in the state, and limited leadership from the executive—are the consequences of nonpartisan elections. There is, after all, widespread criticism of partisan bicameral state legislatures, also, and the existence of problems in these areas in Nebraska does not necessarily indicate that they are the result of distinctive features of that system. Moreover, the election of its
members without party labels does not preclude the devising of another basis for organization and operation of the "Unicameral." The Minnesota Legislature, by dividing its membership into Liberals and Conservatives for organizational purposes, has shown that this can be done by a legislative body elected on a nonpartisan basis.34

The conservative economic and social climate of Nebraska raises the question of whether the unicameral system would receive a better test of its capabilities in a more progressive setting. It is evident that the "Unicameral" functions in a rural-oriented, agricultural, conservative state, where the demands made upon it by a predominantly Republican constituency are quite modest, even in comparison with some states that are demographically similar to Nebraska. Thus the potentialities of the single-house state legislature have not been tested by the Nebraska experience. Many improvements—higher pay, office space, complete secretarial and clerical services for the leadership, adequate research personnel, and secretarial help for individual members—could be justified by the small membership and lower total costs of maintaining only one house. In the 1965-67 biennium, Nebraska spent $1,037,000 to operate the legislative branch, less than one-third the average state expenditure of $3,762,000 for that purpose.35 On the basis of these figures, if Nebraska
were to double the amount it now spends for operating the "Unicameral" it would still be spending only about 55 per cent of the average state expenditure for the legislative branch.

On the basis of this study, the evidence does not indicate that the Nebraska legislative system suffers from serious shortcomings that can be fairly traced to the single-house feature. The Nebraska "Unicameral" as a system offers certain economies of operation, elimination of the duplication of legislative machinery, personnel, and processes in a second house, and elimination of the conference committee and other joint actions, as well as the elimination of formal partisan considerations as an element in legislative decisions. From the evidence of its contemporary practices and performance, as a means of facilitating the legislative function it offers orderly procedure, simple and efficient organization, ease of bill passage, and even work flow. On balance, the effect of the single-house feature seems to be advantageous for internal legislative processes; the impact of the unicameral feature on broader political questions is clouded by the nonpartisan feature.

On the basis of this study, it is clear that the experience in Nebraska with the nonpartisan unicameral system has not established the validity of the claims of unicameral supporters in all the areas examined. In
organization and procedure, the Nebraska single-house Legislature has borne out the contention that the one-house plan offers advantages in these areas, but the claims of superior legislators, easier development of competent leadership, and reduced influence by lobbyists have not been substantiated by this study of these aspects of the Nebraska "Unicameral."
NOTES ON CHAPTER VII

1. Charles W. Shull, American Experience with Unicameral Legislatures, Detroit, Detroit Bureau of Governmental Research, Report No. 147, December, 1937, pp. 19-20; and Behind These Doors: The Story of Nebraska's Unicameral Legislature, Depth Report No. 1, Lincoln, University of Nebraska School of Journalism, 1961, p. 3. (Hereafter cited as Behind These Doors.)

2. Behind These Doors, p. 6.


4. Lincoln Sunday Journal and Star, February 18, 1968, p. 9B.


6. The average state legislature has 151 members; the average state senate has 39. American State Legislatures: Their Structure and Procedures, Chicago, Council of State Governments, 1967, p. 1, and Table I, p. 2. (Hereafter cited as American Legislatures: Structure.)

7. Ibid., Table XIV-B, pp. 29-30.


11. American Legislatures: Structure, Table XVI, pp. 34-35.

12. Rules of the Nebraska Legislature, Rule 11, Section 3.


17. Interview with Senator Eric Rasmussen at Fairmont, Nebraska, August 6, 1966; Interview with Governor Frank B. Morrison in Lincoln, September 2, 1966.

18. Interview at Milford, Nebraska, August 6, 1966.


22. Both Jewell and Patterson, op. cit., p. 138-9, and Keefe and Ogul, op. cit., pp. 131-2 suggest that there may be such an effect, but it cannot be substantiated objectively.


24. Interview in Lincoln, August 9, 1966.


28. Jewell and Patterson, op. cit., p. 149.
29. Six former governors, both Democrats and Republicans, interviewed for one study of the "Unicameral" all considered this to be a problem during their administrations, although Governor Frank Morrison, when interviewed for this study on September 2, 1966, did not associate it with the nonpartisan feature. See Behind These Doors, pp. 16-17.

30. Interview in Lincoln, September 1, 1966.


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Adam C. Breckenridge, University of Nebraska, in Lincoln, August 3, 1966.


Senator Rick Budd of Nebraska City, in Lincoln, June 10, 1966 and August 8, 1966.

Senator Terry Carpenter of Scottsbluff, in Lincoln, August 9, 1966.

Senator George Gerdes of Alliance, in Lincoln, August 9, 1966.


Senator Stanley Matzke of Milford, at Milford, August 6, 1966.

Senator Fern Hubbard Orme of Lincoln, in Lincoln, August 4, 1966.

Senator Eric Rasmussen of Fairmont, at Fairmont, August 6, 1966.


L. QUESTIONNAIRES

Senator Elvin Adamson of Valentin’ne.

Senator Kenneth Bowen of Red Cloud.

M. LETTERS

Letter from Neale Cottle, Director, University of Nebraska School of Journalism, August 12, 1968.