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The Unicameral Legislature—A Successful Innovation

Hugo F. Srb*

I. INTRODUCTION

More than a quarter of a century ago the voters of Nebraska by their vote indicated a desire to make a change in their legislative branch of government and adopted our one house legislature. This came about as the result of carefully considered study and effort upon the part of many prominent individuals.¹ Unsuccessful proposals and attempts were made in the legislature in 1913, 1915, and 1917, in the constitutional convention in 1919-20, by initiative in 1924, and again in the legislature in 1925 and 1933. These dates preceded the chaotic conditions which prevailed in the depression of the 1930's. The Senate in 1933 passed a resolution calling for a systematic study of cost and improvement in government by a select nonpartisan committee from the House and Senate and for a printed report of their findings and recommendations for study and consideration by legislators, state officers, state departments, other agencies of the State of Nebraska, and the general public prior to the convening of the next regular session. This resolution was also offered in the House but failed of passage.

The constitutional amendment was kept short so as not to confuse the voter with a long ballot. The amendment provided that "All provisions in the constitution and laws of the state relating to the Legislature, the Senate, the House of Representatives, or joint session thereof, in so far as applicable, shall be and hereby is

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¹ Three were in the forefront of those advocating its adoption: First, the late George W. Norris, the distinguished U.S. Senator from Nebraska. Second, the late John N. Norton of Polk, a former member of the two house legislature, a U.S. Congressman, and later a member of the first unicameral body in 1937. Third, the late Dr. John P. Senning, a Professor of Political Science at the University of Nebraska. Mr. Norton was a prime mover of the plan and Dr. Senning a studious and staunch advocate. Senator Norris with his years of experience in government and strong following is deserving of great credit for promoting the measure and securing the adoption by the people.

vested in said Legislature of one chamber".² A few other changes were made to help clarify the amendment, but the terms "Senate" and "House of Representatives" still appear in the constitution.³ The language itself has in no way interfered with the operation of the one house legislature.

II. THE NEBRASKA LEGISLATURE IN PERSPECTIVE

The results of the change should now be weighed by comparing our one house legislature with that of any other state legislature. Of necessity every two house body has to have conference committees in the event of disagreement between the two houses. The appointive power of the presiding officers became a great responsibility as these six people, in effect, became a third body wielding tremendous power. The responsibility of adjusting the differences became the difficult task and the result, when submitted to the two houses, was not subject to amendment but had to be accepted or rejected. If not accepted by either house another committee had to be appointed and another report returned until the two houses were in agreement or the measure failed of passage. This disagreement could and did result in failure of passage of needed legislation.

What are some of the most important considerations when appraising the workings of a legislature? First, how representative are the people who are chosen representatives? Second, how has the machinery or the rules under which the legislature operates become more helpful in carrying out the wishes of the majority and at the same time granting proper recognition to be heard and recognition of the rights of the minority which is the objective of the rules of all legislative bodies?

III. PROGRESSIVE FEATURES OF THE NEBRASKA LEGISLATURE

The result of the study of students of government, the National Municipal League, the Council of State Governments, and other organizations which have given much study to legislative improvement have pointed to necessary improvements, and Nebraska can

² NEB. CONST. art III, § 1.

³ *E.g.*, NEB. CONST. art. III, § 8, provides: "No person shall be eligible to office of Senator, or member of the House of Representatives, who shall not be an elector"

point with pride to having recognized and adopted the changes which are listed as desirable.⁴ Some of these features are a part of our constitution, others statutory, and many the result of improved rules of procedure under which our legislature operates.

What recommendations has the National Legislative Conference come up with after careful study of the rules of all our legislatures by students of government from various parts of the country?

That undue limitations and restrictions upon the length and subject matter of legislative sessions should be removed.

Nebraska has no such limitation.⁵

The length of legislative terms should be established in such a way as to assure effective responsibility to the voters and at the same time provide desired and desirable continuity in legislative experience.

With only a third turnover in membership under our present system⁶ the desired continuity has existed with longer terms and staggered terms looked on with favor. The chances are that this favorable condition will continue. With a record vote possible upon the request of any one member fixed responsibility is assured.

From the viewpoint of good public service, and in light of the increasing amount of time that legislators normally must devote to session and between session duties, the compensation of legislators in most states is now too low. Flat salaries rather than per diem should be paid. Salary and expense reimbursement for necessary expenses sufficient to permit competent persons to serve in legislatures without financial sacrifice should be provided. Actual amount of salary and expense money should be provided by statute rather than specified in the constitution.

Nebraska by a vote of the people in 1960 approved a salary increase, and the salary was fixed by the Legislature in the sum of \$200 per month. Thus the above recommendations have met with favor in our state.⁷

Full-time legislative employees should be appointed on the basis of merit and competence. The tenure of technical and professional

⁴ Council of State Governments, *Report on Legislative Processes and Procedures* 2-3 (1961).

⁵ NEB. CONST. art. III, § 10.

⁶ Since the adoption of Nebraska's one house legislature, there has never been a majority turnover in membership, therefore, in effect, Nebraska has been operating under such a recommendation, although, conceivably, the entire membership could change at one election.

⁷ Neb. Laws, at 71 (1960). The salary of each member of the Legislature was increased to twenty-four hundred dollars per year. The members are also allowed additional compensation for mileage, supplies, postage and other incidental expenses.

legislative personnel whose work does not involve partisan operations and activities should be unaffected by changes in party or group control. As far as circumstances permit, the working conditions of legislative employees generally should not be less advantageous than those of employees in the executive and judicial departments.

A genuine desire and effort to carry out these recommendations has prevailed in Nebraska.

Committees should be reduced in number in many states, and in any revision of the committee system, due regard should be given to organizing committees on the basis of related subject matter, equalization of work-load, cooperation between legislative houses, and reduction in undue committee burdens on the members.

Provision should be made for public hearings on major bills and advance notice of hearings should be published and made readily available, giving time and place of hearing and subject matter of legislation to be heard. Rules of procedure by committees governing hearings should likewise be published and made readily available.

The Unicameral Legislature, in its first session, adopted rules which reduced the number of committees one half and set up simple and effective rules which have stood the test of time with very few changes.⁸ Public hearings are held on all bills in committee before they can be considered by the Legislature as a whole. The rules under which committees operate have likewise been kept simple.

Consideration should be given to limiting by rule the period during a legislative session when new bills may be introduced. Provisions should be made to authorize and encourage the drafting, filing, and printing of bills before the opening of the session. All bills and important amendments introduced should be printed promptly after introduction and whenever possible they should be inspected, before printing, by bill drafters or revision clerks.

Indiscriminate inclusion of emergency or immediate-effect clauses in pending legislation should be avoided. Publication of bill-drafting guides covering the constitutional and legal requirements, form, style, and grammatical construction is suggested. Adequate provision should be made for printing new laws and making them generally available at the earliest possible time after final enactment and before they become effective. If the volume of session laws cannot be thus available, new laws should be reproduced in some alternate form such as "slip laws," "advance sheets," or some comparable method.

These recommendations have been followed in Nebraska for many years.⁹

The rules of legislative houses should be reviewed and revised wherever necessary to expedite legislative procedure, with due

⁸ Rules of Neb. Leg., No. 5 (1959).

⁹ *Id.*, No's. 11, 12 (1959).

regard for adequate deliberation on measures and fairness to minority parties. It is recommended, further, that review of this nature should be recognized as of continuing importance, and to that end an appropriate agency in each state should be designated to give continuing study to the rules and their need for revision.

Our Legislature has recognized the continuing importance of study and review of the rules and seeks to amend the rules where it deems advisable toward the end of each session.

It is suggested that all states arrange suitable opportunities and facilities for orienting new legislators with the legislative process and familiarizing all legislators with the tools with which they have to work.

Nebraska was one of the first to suggest and hold a brief session or clinic to help orient the new members and familiarize the legislators with the rules and to stress their importance.

The legislature should provide appropriations adequate to meet all probable expenditures of the legislative branch during a fiscal period. Centralized custody of legislative personnel, payroll, and expenditure records of each house, and the supervision of legislative expenditures should be provided. Some states may desire to provide such needed supervision through the legislative council or other agency serving the whole legislature. If each house chooses to provide an agent for its affairs, however, effective coordination between the houses should be assured.

Though the budgetary responsibility has been one of the most difficult and requires the full time of the budget committee, the membership has worked untiringly in its efforts to provide adequately for the needs of the state. While an even greater desire to gain information from which sound conclusions may be reached has been recommended, a comparison with the method used under the bicameral finds vast improvement. The Legislative Council, which was set up at the time of the unicameral,¹⁰ has been a continuing fact-finding agency and is deserving of commendation. The budget committee has had a bill introduced to provide for a legislative fiscal analyst to provide fiscal and budgetary information and assistance to the legislature.

While some of these recommended improvements might have come into being under our old system it is interesting to note that in 1933 our bicameral was unable to get favorable action on a plan simply to study ways of improving legislative procedure.

A few of the improvements in procedure which have been adopted under the unicameral are as follows:

1. Elimination of reading of a bill by title the second time

¹⁰ NEB. REV. STAT. §§ 50-401 to -415 (Reissue 1960).

(when no one listened). The bill is merely referred on the second day.

2. Reference of bills by a committee composed of the President (Lieutenant Governor), the Speaker, and the Chairman of Committee on Committees instead of by one individual.
3. Having all bills checked as to form by the bill-drafting department prior to introduction, and making exact copies available at the time of introduction—avoiding great confusion which previously existed.
4. Avoiding the unnecessary typing of the bill after final reading. This avoids possibility of error and saves time and expense.

IV. ANALYSIS OF THE NEBRASKA LEGISLATIVE SYSTEM

Following are some reasons why the unicameral system has worked successfully in Nebraska:

1. It is more representative because legislative districts were set up with population as the determining factor.¹¹

While there has been a shift of population to urban centers this is true in all states and is one of the problems receiving attention and consideration.

2. By constitution¹² and by rule,¹³ safety regulations against hasty legislation are provided.

A week's time must intervene between the time of introduction and final passage of a bill.

3. The rules have been simplified to provide for most careful consideration of proposed legislation.

Five day notice of public hearing is given on bills before consideration in committee. Consideration is given to all bills and amendments on general file and a second check is made of those on select file. Bills are reprinted with all amendments and are on members' desks for two legislative days before final action is taken. Bills are read in full on final passage. The Governor serves as a check upon legislation passed and the courts are available to check on constitutionality. Lastly, the people have reserved the right of both the petition and the referendum.

¹¹ NEB. CONST. art. III, § 5.

¹² NEB. CONST. art. III, § 13.

¹³ Rules of Neb. Leg., No's. 6, 10, 11, 12 (1959).

4. Research facilities, available to the membership, provide for more carefully prepared bills at the time of introduction.

All bills must be approved as to form by the billdrafting service. Close cooperation with the engrossing and enrolling committee has resulted in greater efficiency and accuracy in legislation. The Legislative Council services are available at all times as a distinct aid and service.

5. Our present system eliminates conference committees and fixes responsibility for action in the Legislature.

This was one of Senator Norris's main objections to the two house system—the placing of so much power in the hands of so few of the members and the conference committee report not being subject to amendment.

6. By election on a nonpartisan basis,¹⁴ the members vote on principle rather than on party line.

The election of members of the legislature on a nonpartisan ticket has attracted many candidates with envious records of public service who had not sought office on a partisan ticket. Why should a candidate be elected or defeated because of the position taken by candidates on national or international issues? Should not candidates for a state legislature rather be judged on their records and stands taken on state issues?

How should partisan politics enter the picture when the consideration of building a good highway system is being considered, or the providing of a good educational system, or adequate care of unfortunates either in or out of our state institutions? These needs must be met after a most careful consideration on their merits. Who is better qualified, than the person elected to that position; who else has the opportunity to judge by hearings held before committees, and by hearing the bills and amendments offered on the floor? Is he not in a better position to judge whether they are for the welfare of the state than some who would attempt to tell them how to vote but who may be far removed and not have the benefit of the discussions on the bills? The legislature is a deliberative body rather than a rubber stamp.

One has only to examine the records of other legislative bodies to gain an appreciation of procedural advantages of a one house system. With the ever alert reporting agencies and record votes at the request of one member the consideration of bills receives splendid publicity. The membership now votes on what it believes to be for the best interests of the state and when it does that it will also be to the best interests of both parties. As life becomes more complex, and the number of problems increases, more time is devoted to their careful consideration. The records bear out that although the legislators are elected on a nonpartisan ticket and the

¹⁴ NEB. CONST. art. III, § 7. "Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization."

chief executive on a partisan ticket, splendid harmony has existed between the two separate branches of our government.

7. With slightly over one third of the membership of our previous bicameral legislature, it follows that our present legislature would be more efficient and economical.

Careful observation and a check of expenditures tells the story.

One of the greatest advantages of our system is the fact that the operations of the legislature are out in the open, where they are reported by the news media and the people are kept informed.

The question asked by people from other parts of the country is, "If our system is as successful as we claim it to be why haven't other states followed in adopting a unicameral system?" The answer is that less than half of the states have the right of initiative. In states not having the right of initiating changes in their constitution the bill must pass both houses and neither of the houses wishes to abolish itself. With less than half of the states having the right of initiating such a measure it becomes impossible to get the proposition up for a vote. Where the petition method is possible it requires money, much effort, and education in the workings of a unicameral plus enlightened leadership. Those who have given generously of their time and those who have been devoted in their efforts to make possible the system under which we now operate must be given great credit. Credit goes not alone to the sponsors but to those dedicated individuals who have been willing to assume the heavy responsibilities which go hand in hand with responsible government, even at great personal sacrifices.

V. CONCLUSION

None of us would claim our system has reached perfection, but at the same time, where would we find a government more representative, more responsible, more deliberative, more orderly, and more economical in its operation than our present legislature? Everything is relative: good, better, or bad by comparison. How does our present system stack up when compared to the two house partisan system which was voted out by a large majority? How does our present setup compare with that of any of our sister states? A comparison will show that the other states not only have the problems with which Nebraska is confronted but that their problems are multiplied many times by having two houses and the influences of outside partisan politics.