

Nebraska Legislative Committee Structure:
1985 to present

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1. Introduction

Not unlike other state legislatures, the Nebraska Legislature utilizes a variety of committees to handle the business of the body. There are fourteen “standing committees,” four “select committees,” and presently five “special committees.” Each standing committee (e.g., the Appropriations Committee) has a particular subject-matter jurisdiction and all bills and constitutional resolutions relating to that subject matter are assigned to that committee. Select Committees (e.g., the Committee on Committees) are generally those committees that help to facilitate the legislative process with little direct involvement in specific public policy issues. Special committees (e.g., the Executive Board) are more or less administrative in nature and are established by statute with the assignment of specific duties.

Generally, all committees are authorized to hold hearings, to meet as needed, to require the attendance of witnesses and production of evidence as deemed necessary. All committees may investigate any matter within its jurisdiction and may present for consideration any final reports and recommendations for action resulting from such investigations.¹ Aside these general guidelines, there are some very distinguishable differences among the three categories of committees and among individual committees within these categories as will be explored in the following sections.

¹NEB. RULES OF THE LEG. Rule 3, § 1(a).

It is important to note that before 1973, all committee chairpersons were nominated by the Committee on Committees and approved by the Legislature.² This resulted, however, in an unusually high number of committee chairpersons being selected from the membership of the Committee on Committees itself. At one time, in order to aspire to become a chairperson of a standing committee, for instance, meant first becoming a member of the Committee on Committees. In 1973, the Rules of the Legislature were amended to require at large elections of all leadership positions. This permitted a fair election process where all members could participate in the selection of committee leaders.

Chairpersons. Like other legislative bodies, the position of committee chairperson is seen as a very important role since the views of these individuals could shape the future of state policy. All at large elections for committee chairpersons are conducted by secret ballot. Before the ballot is taken, each person nominated may make a public statement to the body indicating what may be expected from him or her if elected. In most cases, however, candidates for such positions usually highlight their length of service in the Legislature, to indicate their knowledge of the legislative process, and perhaps their occupational experience in a certain area, which indicates their expertise in the subject matter of the committee.³ It is not unusual for members of the Legislature to campaign or at least make known their intent to run. It is considered appropriate, but certainly not required, for a senator wishing to run for a particular chairmanship to place a letter on file with the Clerk of the Legislature indicating his or her intentions.

²Bothum, Comer, and Sittig, "Committee Assignments in the Nebraska Legislature," 70.

³Id., 72.

The exact duties of the chairperson vary from committee to committee. However, there are some general responsibilities that apply to most legislative committees:

1. To call the committee together at the regular or appointed time and place.
2. To arrange for the publication of meeting notices.
3. To preside over meetings of the committee.
4. To maintain order and decide all questions of order.
5. To supervise and direct all clerical and other employees of the committee.
6. To prepare or supervise, in consultation with the committee, the schedule of public hearings to be held by the committee.
7. To prepare or supervise the preparation of a written agenda for all committee meetings.
8. To prepare or supervise the preparation of interim study proposals necessary to properly carry out the committee's business, in consultation with the committee.
9. To conduct or supervise the conduct of all studies assigned by the legislature, and all studies necessary to properly carry out the committee's business, and to insure proper documentation of all studies conducted.
10. To prepare or supervise the preparation of written reports on all interim studies assigned the committee by the legislature, and on all committee studies in which testimony or information was secured by subpoena.
11. To prepare or supervise the preparation of committee reports and committee statements and submit them to the legislature.
12. To have custody and insure the security of all bills, resolutions, papers and other documents referred or submitted to the committee, to keep all committee materials separate and distinct from personal materials, to make all committee materials available to committee members at reasonable times, and to transmit committee materials to the appropriate repository when the committee is finished with them.
13. To insure that all activities of the committee are carried out in accordance with the rules of the legislature and the rules of the committee.

Vice Chairperson. The principal duty of the vice chairperson is to preside over meetings in the absence of the chairperson. If both the vice chairperson and the

chairperson are absent, the meeting is often chaired by the most senior legislative member of the committee.⁴

Committee Members. In general, committee members may participate freely in committee discussions and debate, make and second motions and assert points of order and privilege, subject to the rules of parliamentary procedure. In committee hearings, a committee member may question witnesses only with permission of the chairperson and only to the extent the chairperson allows, but the chairperson must afford each member of the committee a reasonable opportunity to question each witness.⁵

It is the duty of committee members to attend and participate in all committee meetings. A member who cannot be present at a meeting must notify the chairperson or committee clerk in advance, and indicate where he or she can be located should his or her presence be needed. A member must also disclose in the committee records his or her interest in all committee proceedings relating to any question which directly and immediately affects his or her personal or private right or interest, if it conflicts with the public interest.⁶

2. Standing Committees of the Nebraska Legislature

<i>Standing Committee</i>	<i>Status</i>	<i>Members</i>
Administrative Rules & Regulations Review	Eliminated in 1986	7
Agriculture.....	Current.....	8
Appropriations.....	Current.....	9
Banking, Commerce & Insurance	Current.....	8
Business & Labor	Current.....	7
Constitutional Revision & Recreation.....	Eliminated in 1986	7
Education.....	Current.....	8

⁴Id.

⁵Id.

⁶Id.

<i>Standing Committee</i>	<i>Status</i>	<i>Members</i>
General Affairs	Current.....	8
Government, Military & Veterans Affairs	Current.....	8
Health and Human Services	Current.....	7
Judiciary	Current.....	8
Miscellaneous Subjects	Eliminated in 1986	8
Natural Resources.....	Current.....	8
Nebraska Retirement Systems.....	Current.....	6
Public Health & Welfare	Eliminated in 1985	7
Public Works	Eliminated in 1986	8
Revenue	Current.....	8
Rules	Current.....	5 +1 ex officio
Transportation	Eliminated in 2002	8
Transportation and Telecommunications	Current.....	8
Urban Affairs.....	Current.....	7

Agriculture Committee. The Agriculture Committee is comprised of eight members. Legislative measures referred to the committee include crop development, exports, livestock, brands, auction markets, public grain warehouses, grain storage, farming and ranching, fertilizer, agricultural chemicals, weights and measures, eating facilities, etc.⁷

Appropriations Committee. The Appropriations Committee is the only standing committee comprised of nine members.⁸ It is also the only standing committee that meets every day of the week during the public hearing phase of the legislative process. Therefore, with the exception of the Chairperson, members of the Appropriations Committee are not allowed to serve on any other standing committee, except the Nebraska Retirement Systems Committee.

The main purpose of the Appropriations Committee is to advance a biennial state budget to the floor of the Legislature. In odd-numbered years, the Committee first receives the proposed budget recommendations of the Governor and then performs any

⁷Legislative Research Division, “Breakdown of Assignment to Committees,” LRD 89-25 (September 1989), 29.

⁸NEB. RULES OF THE LEG. Rule 3, § 3(a).

modifications it deems necessary before forwarding the proposal for floor debate. The Committee also reviews all appropriation bills for capitol construction, salaries of state employees, and deficiency appropriations, among others. The Committee has the authority to suggest, through a legislative proposal, changes in distribution of certain taxes (i.e., the Cigarette Tax).⁹

The Appropriations Committee annually prepares and approves a report summarizing the recommended total General Fund appropriation for each year of the following biennium. The report includes information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.¹⁰

The Chairperson of the Appropriations Committee annually submits a Financial Status Report following the advancement of the mainline budget bill to General File. The report includes the current estimates of available funds, express obligations for the biennial period under consideration, and other information useful to the budgetary process.¹¹

No other standing committee is cited in state law as many times as the Appropriations Committee, and there are numerous duties prescribed for the Committee in statute in relation to various programs and state agencies. For instance, state law requires the Committee to annually include in the state budget the amount necessary to

⁹Legislative Research Division, "Breakdown of Assignment to Committees," LRD 89-25 (September 1989), 29.

¹⁰NEB. RULES OF THE LEG. Rule 8, § 2.

¹¹Id., Rule 8, § 7.

fund the state aid formula under the Tax Equity and Educational Opportunities Support Act (TEEOSA).¹² Other duties and responsibilities of the Committee, particularly in relation to the budget process, are discussed in later sections.

Banking, Commerce and Insurance. The Banking, Commerce and Insurance Committee is comprised of eight members. The subject-matter jurisdiction of the committee includes all aspects of banking and financial institutions, the Nebraska Investment Council, all aspects relating to insurance and commerce, the Uniform Commercial Code, real estate, securities law, economic development, accountancy, etc.¹³

Business and Labor Committee. The Business and Labor Committee is one of three standing committees comprised of seven members. The committee accepts jurisdiction over such issues as workers' compensation, unemployment compensation, labor and employment relations, the Commission of Industrial Relations, fair employment practices, health and safety regulations, labor conditions, claims against the State, wages and hours, the Nebraska Elevator Code, etc.¹⁴

Education Committee. The Education Committee is one of several standing committees that receive the most referred bills and resolutions each year. The committee reviews legislative proposals concerning school districts, school reorganization, compulsory education, special education, certification, post-secondary education, state

¹²NEB. REV. STAT. § 79-1031.01.

¹³Legislative Research Division, "Breakdown of Assignment to Committees," LRD 89-25 (September 1989), 30.

¹⁴Legislative Research Division, "Breakdown of Assignment to Committees," 30.

colleges and universities, vocational technical schools, public school funding, the State Board of Education and the Department of Education, NETV, ESUs, etc.¹⁵

General Affairs Committee. This eight member committee reviews legislative measures concerning the State Electrical Act, liquor and liquor control, gambling and lottery, cemeteries, libraries, trade names and practices, etc.¹⁶

Government, Military and Veterans Affairs. The Government, Military and Veterans Affairs Committee is comprised of eight members. The committee oversees legislative proposals that concern political subdivisions, election law, departments of state government, the Nebraska Political Accountability and Disclosure Act, lobbying, correctional institutions, law enforcement, public meetings and records laws, standards for public buildings, military and veterans affairs, civil defense, apportionment and redistricting, etc.¹⁷

Health and Human Services. Although often receiving a very heavy workload and number of legislative measures to consider, the Health and Human Services Committee is comprised of only seven members. The committee is usually very busy reviewing legislative proposals concerning public health, hospitals, nursing homes, mental health and retardation, professional and occupational licensing, emergency medical care, the Department of Health, the State Board of Health, housing and building standards, welfare and public assistance, the Department of Social Services, etc.¹⁸

Judiciary Committee. The Judiciary Committee consists of eight members and has the distinction of usually having the most legislative proposals referred to it each

¹⁵Id., 31.

¹⁶Id.

¹⁷Id.

¹⁸Id., 32.

year. The committee is responsible for so many measures that the committee chair often limits the total allowable time for each public hearing. The committee's subject-matter jurisdiction includes the courts, judges, juvenile code, criminal code, crimes and punishments, criminal procedure, civil procedure, etc.¹⁹

Natural Resources Committee. The eight-member Natural Resources Committee reviews issues and legislation concerning water and water rights, irrigation, flood control, the Department of Water Resources, soil conservation, public power, oil and gas, environmental issues, hazardous waste, air pollution, parks, endangered species, boating, etc.²⁰

Nebraska Retirement Systems Committee. The smallest standing committee in terms of membership is the Nebraska Retirement Systems Committee, which is comprised of six members. There are so few legislative measures assigned to this committee that the committee has no regular schedule during each session. The committee meets as needed to hold public hearings and to hold executive sessions. The committee reviews all legislation relevant to the public employees' retirement systems (State Employees, School Employees, Judges, State Patrol, and Counties). The Chairperson of the Appropriations Committee is automatically a voting member of the Nebraska Retirement Systems Committee.²¹

Revenue Committee. The eight-member Revenue Committee at times receives almost as many legislative proposals as the Judiciary Committee each year. The Revenue and Appropriations Committees often work together to coordinate the income and expenses of the state and political subdivisions. The Revenue Committee oversees such

¹⁹Id.

²⁰Id., 33.

²¹NEB. REV. STAT. § 50-416.01.

issues as sales and use taxes, state income taxes, property taxes, homestead exemptions, motor fuels tax, the Department of Revenue, etc.²² The Chairperson of the Revenue Committee serves as a voting member of the Tax Rate Review Committee along with the Speaker, and the Chairpersons of the Appropriations Committee and Executive Board.²³

Transportation and Telecommunications Committee. The Transportation and Telecommunications Committee is comprised of eight members and has subject matter jurisdiction over such matters as motor vehicles, driver licensing, rules of the road, weights and measures, the Department of Roads, railroads, common carriers, pipelines, telephones and telecommunications, etc.²⁴

Urban Affairs Committee. The Urban Affairs Committee, comprised of seven members, reviews such issues relating to municipalities, special districts, zoning and annexation, housing authorities, etc.²⁵

3. Special Committees of the Legislature

<i>Committee</i>	<i>Members</i>
Building Maintenance	6
Education Commission of the States.....	3
Executive Board	9
Intergovernmental Cooperation.....	5
Legislative Program Evaluation	5

The Nebraska Legislature utilizes five special committees, the most well known of these is the Executive Board. With the exception of the Executive Board, special committees do not usually have jurisdiction over legislative bills and resolutions but are

²²Legislative Research Division, “Breakdown of Assignment to Committees,” 34.

²³NEB. REV. STAT. § 77-2715.01(2).

²⁴Legislative Research Division, “Breakdown of Assignment to Committees,” 34.

²⁵Id., 35.

still subject to the same procedural rules as other committees.²⁶ Special committees are normally created by statute rather than legislative rule. However, for the 2001 Session, the Legislature created a special committee by rule for the purpose of redistricting.

Building Maintenance Committee. It is the responsibility of the Executive Board of the Legislature to appoint the six member special committee on Building Maintenance.²⁷ The purpose of the committee is to exercise oversight of the deferred and preventive maintenance activities for state operated buildings, including the Capitol. The selection of members is made on the basis of maintenance interest and knowledge. At least two members must be selected from the Committee on Appropriations, one of whom must be the chairperson.

Education Commission of the States. The special committee on the Education Commission of the States is comprised of three appointed members of the Legislature who are selected by the Executive Board.²⁸ In addition, the Governor may appoint three other representatives who are not members of the Legislature. The Education Commission of the States (ECS) is a nonprofit organization designed to bring state leaders together to discuss education issues. ECS also provides state legislatures with a variety of research materials to help direct education policy decisions.

Legislative Committee on Intergovernmental Cooperation. The Special Committee on Intergovernmental Cooperation consists of five senators. The members and the chairman of this committee are elected in the same manner as is customary in the case of the members and chairman of other standing committees of the Legislature. In

²⁶NEB. RULES OF THE LEG. Rule 3, § 5(a).

²⁷NEB. REV. STAT. § 81-185.

²⁸Id., § 79-1504.

addition to the regular members, the President (Lt. Governor) and the Speaker of the Legislature serve as ex officio (non-voting) members of this committee.²⁹

The Legislative Committee on Intergovernmental Cooperation represents half of the Nebraska Commission on Intergovernmental Cooperation, which is composed of ten regular members (five from the Legislature's committee and five individuals appointed by the Governor).

The Committee functions during the regular sessions of the Legislature and also during the interim periods between sessions. The purposes of the Committee are to: (1) carry forward the participation of the state as a member of the Council of State Governments; (2) encourage and assist the legislative, executive, administrative and judicial officials and employees of the state to develop and maintain contact with officials and employees of the other states, the federal government, and local units of government; (3) endeavor to advance cooperation between the state and other units of government whenever it seems advisable to do so by formulating proposals for facilitating (i) the adoption of compacts, (ii) the enactment of uniform or reciprocal statutes, (iii) the adoption of uniform or reciprocal administrative rules and regulations, (iv) the informal cooperation of governmental offices with one another, and (v) the interchange and clearance of research and information.³⁰

Legislative Program Evaluation Committee. This five-member Committee is comprised of the Chairperson of the Executive Board, the Chairperson of the Appropriations Committee, and three other members of the Legislature chosen by the

²⁹Id., §§ 81-816 to 81-824.

³⁰Id.

Executive Board.³¹ The Committee is designed to meet as needed for the purpose of selecting programs to be evaluated, approving scope statements and evaluation plans for program evaluation projects, reviewing completed program evaluation reports, and conducting public hearings.

Executive Board. The Executive Board consists of a Chairperson, a Vice chairperson, and six members of the Legislature, to be chosen by the Legislature at the commencement of each 90-day session of the Legislature. In addition, the Speaker serves as a voting member of the Executive Board. The Chairperson of the Appropriations Committee also serves on the Executive Board but in an ex officio (non-voting) capacity whenever the board is considering fiscal administration.

During the initial session of the Nebraska Unicameral in 1937, one of the first bills to be passed involved the creation of the “Legislative Council,” which currently consists of all members of the Legislature. The principle purpose of the Legislative Council is to consider legislative policies during the interim periods.³² The exact duties of the Council include examining the effects of previously enacted statutes and recommend modifications, and to generally collect information concerning the government and general welfare of the state.³³

The first Unicameral Legislature also created an “Executive Board of the Legislative Council” (often shortened to “Executive board”) in order to manage the administrative affairs of the body.³⁴ The Executive Board is one of five “Special

³¹Id., § 50-1204.

³²NEB. REV. STAT. § 50-401.

³³Id., § 50-402.

³⁴Id., § 50-401.01.

Committees” of the Legislature and is truly unique among all the legislative committees. It is the only committee in which both the chairperson and vice chairperson are elected at large by the whole body. All other committees elect their own vice chairperson from among their individual memberships. The distinctiveness of electing both the vice chairperson by at large election is due, in part, to the level of importance associated with the Board. In the event the chairperson is unable to fulfill the duties of the office, the body reserves the authority to select his or her replacement, thus the at large election of both individuals.

In addition to the Chairperson and Vice chairperson, other voting members of the Board include the Speaker and six members (two members elected from each of the three caucuses). The Chairperson of the Appropriations Committee serves as a nonvoting ex officio member whenever the Board is considering fiscal issues. All voting members of the Board are considered officers of the Legislature and serve two-year terms of office.

Administration. The Executive Board acts as an “administrative subcommittee of the entire Legislature” and provides administrative functions on behalf of the body on a year round basis. These administrative functions include: (1) supervision all of services and service personnel of the Legislature; (2) employment and establishment of compensation and other terms of employment for legislative personnel; (3) appointment of persons to fill various division head positions, such as the Legislative Fiscal Analyst, Director of Research, and Revisor of Statutes; and (4) contracting to obtain legal, auditing, accounting, actuarial, or other professional services or advice on behalf of the executive board or the Legislature itself.³⁵

³⁵Id., § 50-401.01.

The Executive Board manages seven different, yet interrelated, offices that provide services to the Legislature. These offices include the Office of the Clerk of the Legislature, the Accounting Office, the Coordinator of Legislative Services, the Revisor of Statutes, the Legislative Research Division, the Ombudsman, and the Legislative Fiscal Analysts Office.³⁶ All such offices provide important services and support to senators and the legislative process in general. Several of these offices are explored below and others in later sections.

4. Select Committees of the Legislature

<i>Committee</i>	<i>Members</i>
Committee on Committees.....	13
Enrollment and Review	1
Reference.....	9
Rules.....	6

The select committees of the Legislature are administrative committees designed to help facilitate the legislative process. These committees are not created by statute but instead by the Rules of the Legislature.³⁷

Committee on Committees. As noted earlier in this document, the members of the Committee on Committees carry a particularly crucial role in the legislative process: selection of members on other committees. The Committee on Committees is expected to provide fair geographic representation on each committee under its auspices, including all standing committees.

Enrollment and Review Committee. The Enrollment and Review (E&R) Committee is unique in that it is a committee of one member, the chairperson. The E&R

³⁶Nebraska Legislator’s Guide.

³⁷NEB. RULES OF THE LEG. Rule 3, § 4(a).

Chairperson is also unique by virtue of selection since the youngest member of the Legislature, at the time of the election, is considered “nominated” for the position. In the absence of the E&R Chairperson, the Vice Chairperson of the Judiciary Committee assumes the duties of the E&R Chairperson.³⁸

This position is perhaps one of the few chairs that is not highly sought by members of the Legislature since it requires an ongoing diligence and awareness of the legislative process. The E&R Chair is responsible for procedurally “moving” for the adoption of E&R amendments to every bill or resolution at every stage of the legislative process. E&R amendments are technical amendments proposed by the Revisor of Statutes (bill drafters) in order to ensure accuracy in punctuation, citations, grammar, spelling, etc. It is not an uncommon sight during a session to witness the presiding officer and the E&R Chair in a continuous, almost mundane, back-and-forth effort to request and receive motions to adopt E&R amendments to facilitate the legislative process.

Reference Committee. The Executive Board serves as the Reference Committee. The Reference Committee reviews each bill and resolution and then either refers the matter to the appropriate committee (in the case of bills and resolutions to amend the Constitution) or to General File (in the case of all other resolutions and “revisor” bills). The process involves the matching of each measure with the committee which has subject-matter jurisdiction over the issue contained in the bill/resolution or which has traditionally handled the issue in the past.³⁹

³⁸Id., Rule 3, § 4(d).

³⁹Id., Rule 3, § 4(e).

Rules Committee. Some of the most heated debates during a legislative session can at times occur before even the first real legislative bill is debated. Since rules drive the legislative process, rules are of a particular interest to legislators. The Rules Committee is comprised of six members. The Chairperson is elected at large by the Legislature, the Speaker serves as an ex officio member, and four other members are selected by the Committee on Committees.

Any member of the Legislature may submit a proposed rule modification. All proposed rule changes are set for public hearing within five legislative days after their referral to the Rules Committee. The hearing takes place within fifteen legislative days after the referral, and the committee must take final action on the proposal within ten legislative days after the hearing.⁴⁰ If the Rules Committee, by majority vote, approves any submitted recommendations, then the same are forwarded to the legislative body for consideration.

Investigating Committees. The Committee on Committees may appoint other select committees in the form of investigating committees when authorized by the Legislature. No investigating committee of the Legislature may be created except by resolution which sets forth the reasons for and the purposes of the investigation. No established investigating committee may function except during the interim between legislative sessions.⁴¹

⁴⁰Id., Rule 3, § 4(f).

⁴¹Id., Rule 3, § 4(g).