

EXECUTIVE BOARD

NEBRASKA LEGISLATURE

LR 179: An interim study to review the laws, procedures, rules and regulations, and general standards of practice related to the public's participation in the legislative process in a representative form of government

One Hundred Eighth Legislature
First Session

Committee Members

Senator Raymond Aguilar, Chairperson, District 35
Senator John Arch, District 14
Senator Beau Ballard, District 21
Senator Eliot Bostar, District 29
Senator John Lowe, District 37
Senator Merv Riepe, District 12
Senator Julie Slama, District 1
Senator Tony Vargas, District 7
Senator Robert Clements, District 2 (non-voting)

Committee Staff

Trevor Fitzgerald, Counsel to the Executive Board
Sally Schultz, Committee Clerk

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Introduction

The 2023 legislative session saw an unprecedented amount of public participation in the legislative process, largely as a result of the introduction of a number of controversial bills. While the volume of public participation in 2023 is in many ways an outlier, the number of Nebraskans engaging in the legislative process has steadily increased over the last several sessions following the COVID-19 pandemic. In part due to the pandemic and in part as a result of advances in technology, methods of engagement with members of the Legislature have evolved rapidly during that same timeframe.

As individuals and citizen advocacy groups who are new to the legislative process seek to engage with the Legislature, the above-referenced changes have left many individuals unclear about the proper way to participate in the process. Combined with an influx of new committee chairs and committee staff, confusion abounded during both the committee hearing stage of the session and floor debate on contentious issues.

LR 179 was introduced by Speaker John Arch to conduct an interim study to review the laws, procedures, rules and regulations, and general standards of practice related to the public's participation in the legislative process in a representative form of government.

As recognized in the text of the resolution, ensuring that residents of Nebraska have the opportunity to have their voices heard is vital to the legislative process. The resolution also notes that to ensure fair and useful dialogue, there must be a standard of respect and decorum in place for both the public and members of the Legislature, and highlights the importance of legislative leadership promoting consistent and equitable procedures that offer the best opportunities for public input.

Special thanks and recognition are due to Brandon Metzler, Clerk of the Legislature, Lisa Johns, Research Analyst to the Speaker, and Laurie Weber, Procedural Advisor/Research Analyst to the Speaker, for their assistance in organizing and coordinating study activities. Additionally, thank you to the Legislative Research Office, particularly Research Analysts Elice Hubbert and Jeffrey Fryman for their work in gathering information for the study. Finally, appreciation is due to the organizations, their members, and their subscribers who assisted in the LR 179 study by providing valuable insight into the public's perspective with respect to its participation in the legislative process (Coalition For a Strong Nebraska; Nebraska Family Alliance; Nonprofit Association of the Midlands; Nebraska Civic Engagement Table; Nebraskans for Founders Values; Nebraska Appleseed; RISE; Nebraska Taxpayers for Freedom; I Be Black Girl; OpenSky Policy Institute; Platte Institute).

Timeline of Study Activities

May 17, 2023	Introduction of Resolution.
May - September 2023	On-going discussion and study of processes in other states.
August 18, 2023	Letter sent to organizations with an invitation to participate in the LR 179 survey and a request to gather information from their members and subscribers. (Survey question: "What are the top five areas of concern with respect to the public's ability to effectively engage in the legislative process?")
September 21, 2023	Deadline for organizations to submit survey results.
October 2, 2023	Second letter to organizations sharing survey results and requesting suggestions to address the areas identified through the survey as the top five areas of concern.
October 23, 2023	Deadline to submit suggestions.
October - December 2023	On-going discussion and consideration of information from other states, survey results, and suggestions.
December 7, 2023	Report of LR 179 findings at Legislative Council Meeting.
December 20, 2023	Report of LR 179 findings to participating organizations.
January 2, 2024	Final Report Issued.

Appendices

Appendix 1
Resolution
LR 179 (2023)

ONE HUNDRED EIGHTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 179

Introduced by Arch, 14.

PURPOSE: The purpose of this resolution is to propose an interim study to review the laws, procedures, rules and regulations, and general standards of practice related to the public's participation in the legislative process in a representative form of government. Ensuring that residents of Nebraska have the opportunity to have their voices heard is vital to the legislative process. To ensure fair and useful dialogue, there must be a standard of respect and decorum in place for both the public, that observes, engages, and testifies in front of the Legislature, and the members of the Legislature. It is vital that the Legislature and its leadership promote consistent and equitable procedures that offer the best opportunities for public input.

The interim study shall include, but need not be limited to, an examination of the following:

(1) The existing relevant laws, rules and regulations, and official and unofficial practices and procedures relating to the public's role in the policymaking process in Nebraska;

(2) The constitutional provisions relevant to the public's right to access the State Capitol and attend public activities;

(3) The plausibility of requiring that all persons who attend a hearing have an opportunity to be heard on the record;

(4) The existence of uniform rules on public testimony, including public notice of such rules;

(5) Additional methods outside of public hearings available for residents to engage Nebraska lawmakers throughout the lawmaking process and the effectiveness of those alternate methods; and

(6) The elements of continuing the Legislature's tradition of healthy and

open public input into the lawmaking process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Appendix 2

August 18, 2023 Letter

Nebraska State Legislature

**SENATOR JOHN ARCH
SPEAKER OF THE LEGISLATURE**

District 14
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PO Box 94604
Lincoln, Nebraska 68509-4604
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jarch@leg.ne.gov



COMMITTEES

Executive Board
Legislative Performance Audit
Legislature's Planning
Reference
Rules

August 18, 2023

Dear XXXX,

During the last few sessions of the Nebraska Legislature, an unprecedented number of people have engaged in the legislative process with the goal of influencing the outcome of legislation. For many of these individuals, their knowledge of the mechanics and process of the Nebraska Legislature and the basics of state government vary widely. Methods of engaging with members of the Legislature and the process have evolved in the past few years (in part as a result of advances in technology and in part as a result of the pandemic). These changes have left many citizens unclear about the proper way to engage in the legislative process.

In 2023, the Nebraska Legislature experienced the influx of 13 new freshman senators, 7 (out of 15) new committee chairs and 8 new committee legal counsels. In addition, this session saw the introduction of highly controversial and divisive bills and an emotional, session-long filibuster. Furthermore, new leadership and the controversial nature of much of the session prompted the Legislature and committee chairs to respond with the implementation of some new practices in our legislative process for 2023. These exceptional factors left many legislative observers uncertain and confused about the legislative process as a whole and the public's role. Admittedly, the 2023 session was not the ideal template of how the Legislature should function and I understand that many citizens and advocacy groups did not feel confident that their voices were heard.

In response, I have introduced LR 179 to study the public's participation in the legislative process in a representative form of government. This will be a multi-faceted study, which includes identifying the concerns of Nebraskans regarding the process for engaging with their Legislature. I am inviting you and members of XXXXX to assist in this portion of LR 179. I will be reaching out to other organizations as well, but I am asking you to facilitate a discussion amongst your members to answer the following question:

What do you consider to be the top **five** areas of concern with respect to the public's ability to effectively engage in the legislative process?

I ask that once you have solicited your membership's input, that you rank and identify the top five concerns and share those with me. For each group I am contacting directly, I am seeking one response reflective of the collective views of your membership. However, I would ask that you design a process for soliciting your membership's input that results in a large representation having a voice in the process.

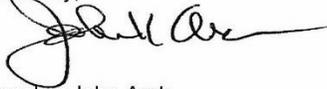
Please feel free to elaborate on each specific issue identified as a top five area of concern, but at this time, please do NOT include suggested solutions to those concerns. This will be a two-part survey and once the areas of most concern have been identified, an opportunity to provide feedback on possible solutions will be presented.

If you are interested in assisting with the LR 179 study, please have your response back to me by **September 21, 2023**. You can email your response to jarch@leg.ne.gov (put LR 179 in the subject line for easy identification). If you are not able or not interested in being a part of this study, please let me know as soon as possible so my office can take you off of our contact list.

I think the LR 179 study will reveal some very interesting and useful information that will enable the Legislature to ensure the public has the opportunity to provide meaningful input. I envision the outcomes could include some new practices implemented by the Legislature and individual committee chairs, but also where can the Legislature do a better job of communicating our practices/procedures to the public.

I look forward to your participation. If you have any questions, please contact either Lisa Johns or Laurie Weber in my office at (402) 471-2730.

Sincerely,

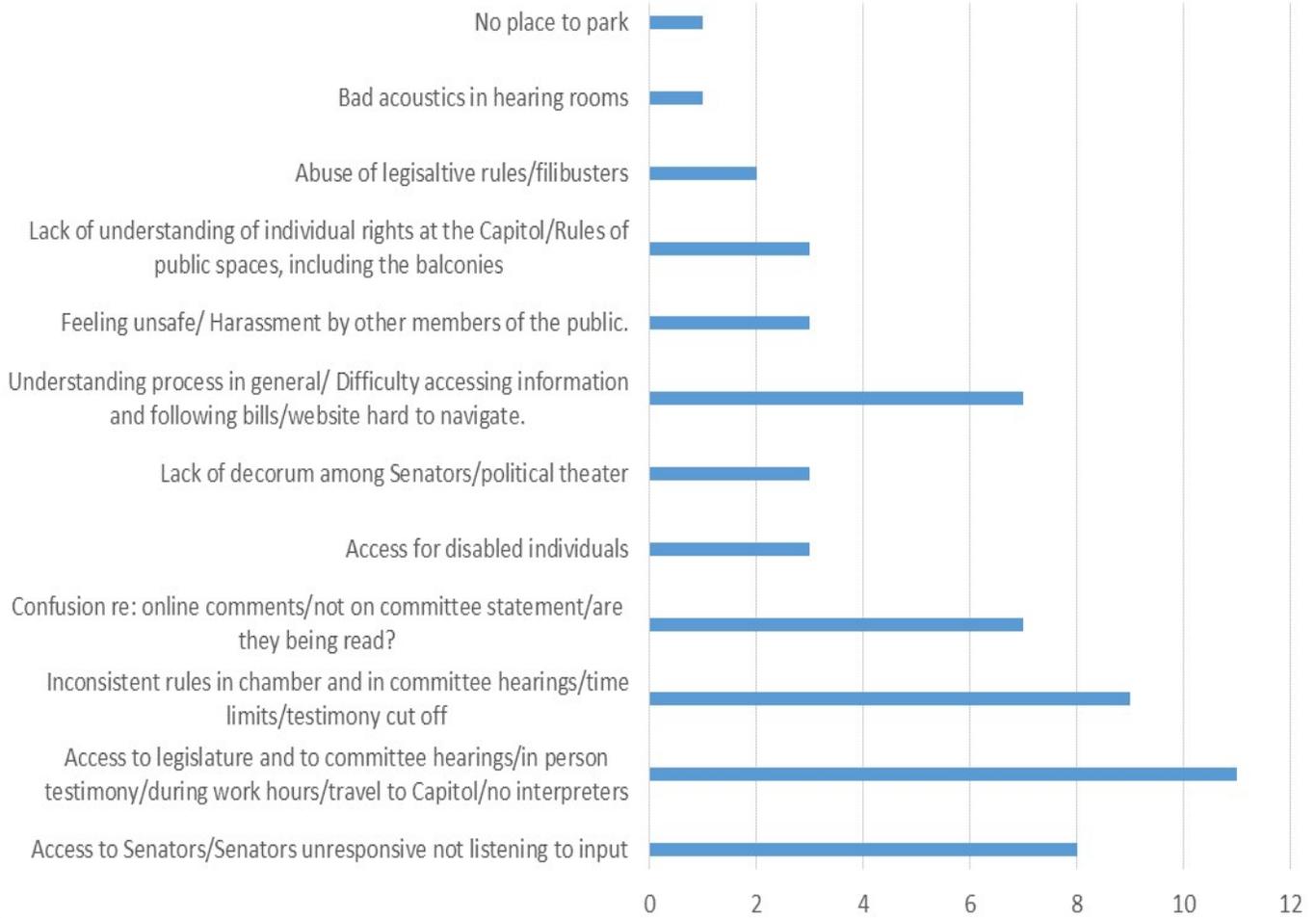


Speaker John Arch
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Appendix 3

Survey Results

LR 179



Appendix 4

October 2, 2023 Letter

Nebraska State Legislature

SENATOR JOHN ARCH

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COMMITTEES

Chairperson - Health and Human Services
General Affairs
Urban Affairs

October 2, 2023

Dear XXXX,

Thank you and the members of the XXXX Nebraska for your recent participation in the LR 179 interim study. As you know, I introduced LR 179 in order to facilitate discussion regarding public participation in the legislative process and to ensure the public has the opportunity to provide meaningful input.

For part of this multi-faceted study, I solicited from several organizations feedback to the question: “What do you consider to be the top five areas of concern with respect to the public’s ability to effectively engage in the legislative process?” The responses I received were very thoughtful and comprehensive, but did also reveal a pattern of similar concerns. From those responses, I identified the top five reoccurring themes.

For the second part of the LR 179 survey, I invite you to provide suggestions for possible solutions to these areas identified as top concerns. I would ask that you address each identified concern as a **separate item** and when considering your suggestions to bear in mind overall feasibility, including functionally and financially. For example, last session there were 800 hearings over a period of 39 days, with nine of those days being full-day hearings. Any suggested change will need to be weighed against its potential impact on the system as a whole. I ask that you get your suggestions back to me by **October 23rd**. The top five items of concern are as follows:

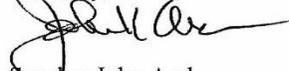
1. Access to the Legislature and to committee hearings. Burdens of testifying in person and during work hours. Travelling to the State Capitol. Lack of understanding regarding the policy on requesting interpreters.
2. Inconsistent rules in the legislative chamber and in committee hearings, including rules regarding time limits and ending hearings and cutting off testimony.
3. Access to senators. Senators unresponsive to emails and meeting requests. Not listening to input.
4. Confusion regarding the online comment feature. What is considered for the record? Why aren’t “for-the-record” commenters listed on committee statements? Do the comments have any impact and are the comments being read?

5. Difficulty in understanding the legislative process in general. Difficulty in accessing information needed to follow bills and accessing information in general. Website hard to navigate.

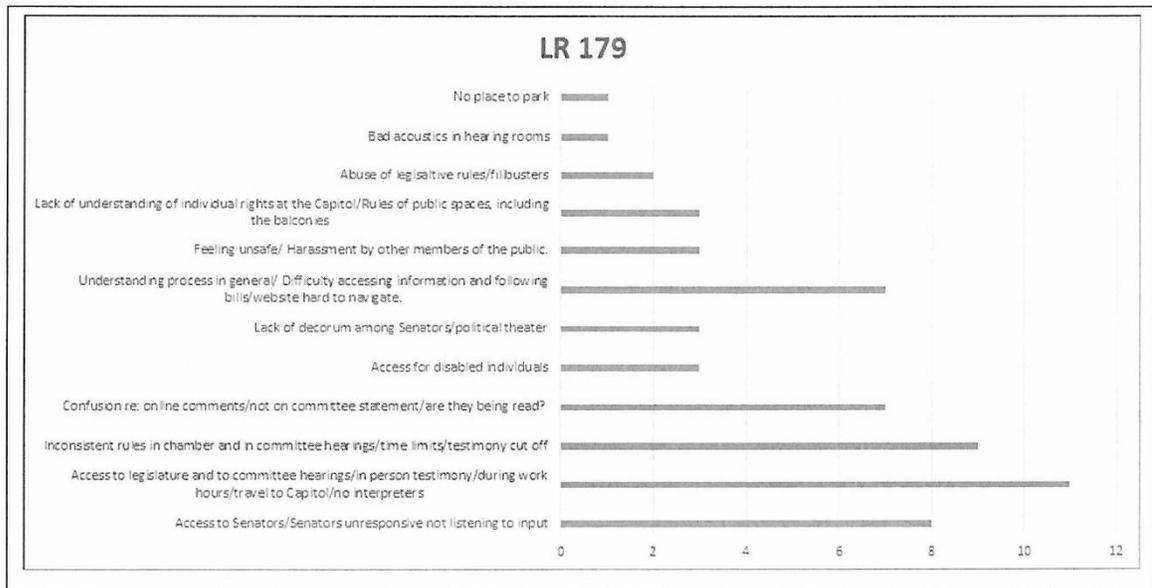
While some of these issues might be addressed through education or procedural adjustments, the issue of senator unresponsiveness is likely best addressed at the ballot box. Regardless, it is included in this portion of the study due to its ranking in the feedback which warrants its consideration.

Ultimately, it is the duty of the Legislature as a whole to determine the rules and procedures under which it operates to carry out its constitutional duties, however your input as a participating member of the public is valuable as the Legislature contemplates potential changes in practice. Thank you again for participating in this study to help ensure the public continues to have an opportunity to provide effective input in the legislative process so policymakers have the tools necessary to make informed decisions.

Sincerely,



Speaker John Arch
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Appendix 5

Legislative Research Office Processes of Other States

Nebraska State Legislature



BENJAMIN THOMPSON
Director of Research

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MEMORANDUM

TO: Senator John Arch, Speaker of the Nebraska Legislature
Laurie Weber, Procedural Advisor/Research Analyst

FROM: Elice Hubbert, Research Analyst
Jeffrey Fryman, Research Analyst

DATE: September 13, 2023

RE: LR 179: Interim study to review the laws, procedures, rules and regulations, and general standards of practice related to the public's participation in the legislative process in a representative form of government

This information is being provided in response to your request for assistance with the LR 179 interim study.

We reached out to the upper legislative body in 11 states: Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Missouri, Ohio, South Dakota, Texas and Washington; we received responses from 10. The only state that did not respond is Ohio. Contact information for all the respondents is provided at Tab 1 in the binder accompanying this memo. We asked each state a series of questions focusing on bill introduction, policies and practices governing public hearings, and the body's process for changing its legislative rules. A copy of the questions is included at Tab 2 and the responses are at Tab 3 in the binder.

As might be expected, these 10 states all have markedly different systems making it difficult to summarize or draw conclusions from the responses. Consequently, what follows are a few general observations based on the information we received.

Bill Introduction

- The reported number of bills introduced in each state ranges from approximately 300 in Georgia and Kansas, to almost 2,300 in Texas. In addition to Senate bills, the bodies may also have various resolutions, constitutional amendments, and joint legislation with the lower chamber to consider, dramatically increasing the actual number of pieces of legislation coming before them.
- With only a couple of exceptions (Colorado and South Dakota), there is no limit to the number of bills a member may introduce.
- In Colorado and South Dakota, all bills receive a public hearing. In Idaho and Washington, about three-quarters of bills are scheduled for public hearings. Illinois and Texas also hold a significant number of public hearings.
- In all states except Colorado, Iowa, and South Dakota, it is up to the committee chair to determine which bills get a public hearing.

Public Hearings

- Colorado, Georgia, Idaho, Illinois, Missouri, South Dakota and Texas require committee members to be physically present for committee meetings. The public may testify remotely in all states but Missouri.
- All states allow the public to testify at some phase of the proceedings on a bill. Colorado, Illinois, Texas, and Washington have online registration for testifiers. (Tab 4 in the binder provides examples of online witness signup sheets and their accompanying instructions.)
- In almost all instances, committee chairs make the determination on who is allowed to testify and the order of testifiers.
- Most of the states indicated that a time limit could be used if the chair of the committee chose to do so. Illinois was the only state that said there were no time limits. Of those states that do place time limits on testimony, the most often reported was two minutes. Washington only allows one minute.
- Three states (Georgia, Illinois, and Kansas) said there is no formal time limit for a hearing, but in reality, hearings can only last two to three hours because the number of hearing rooms is limited (only four in Illinois) and another committee would be waiting to use the room. Georgia and Missouri reported that in the event the committee was not able to conclude its business in the time available, the committee would recess and reconvene later the same day, going as late into the evening as necessary.
- All states but Texas have provisions for written testimony.
- Committee reports vary tremendously from a simple listing of the bills advanced on the day of the hearing with a recommendation for future action (Illinois), to extremely detailed and comprehensive, as in the case of Texas.

Legislative Rules

- In six states (Colorado, Georgia, Idaho, Illinois, Missouri, and Washington) rules changes are proposed by legislative resolution.
- All states require rules changes to be adopted by the full body.
- Illinois, Kansas, South Dakota, and Texas adopt rules at the beginning of each session; Georgia, Iowa, and Washington adopt rules at the beginning of each biennium.
- Georgia, Iowa, Kansas, and South Dakota may choose to allow public input on rules changes, but it is not required.

Please let us know if you have questions or need additional information.

The following items are included in the binder accompanying this memo:

Tab 1: The names and contact information for all the state respondents;

Tab 2: A list of the questions asked;

Tab 3: State by state comparisons of the responses to the individual questions;

Tab 4: Examples of online witness signup sheets and their accompanying instructions;
and

Tab 5: Copies of each state's legislative rules (and joint rules if applicable) with the relevant sections highlighted.

CONTACT LIST

STATE	SENATE CONTACT	TITLE	EMAIL ADDRESS	PHONE NUMBER
Colorado	Cindi Markwell	Secretary	Cindi.markwell@colleg.gov	303-866-4838
Georgia	David Cook	Secretary	David.cook@senate.ga.gov	404-656-5040
Idaho	Jennifer Novak	Secretary	jnovak@senate.idaho.gov	208-332-1309
Iowa	Charlie Smithson	Secretary	Charlie.smithson@legis.iowa.gov	515-281-5307
Illinois	Scott Kaiser	Assistant Secretary	scottk@ilga.gov	217-782-5715
Kansas	Corey Carnahan	Secretary	Corey.carnahan@senate.ks.gov	785-296-2456
Missouri	Kristina Martin	Secretary	Kristina.martin@senate.mo.gov	573-751-3766
South Dakota	Reed Holwegner	Director, Legislative Research	Reed.holwegner@sdlegislature.gov	605-773-3251
Texas	Jon Heining	General Counsel	Jon.heining@tlc.texas.gov	512-463-1151
Washington	Sarah Bannister	Secretary	Sarah.bannister@leg.wa.gov	360-786-7338

Questions Regarding Legislative Processes and Procedures

This information is being sought as part of an interim study to review the legislative processes and procedures of the Nebraska Legislature.

Bill Introduction

1. What is the average number of bills introduced in each session?
2. Is there a limit to the number of bills a member may introduce?
3. Of the bills introduced each session, approximately how many get a public hearing?
4. Who makes the determination as to which bills get a public hearing?

Public Hearing Procedures

1. Are public hearings exclusively conducted in person or can they be held via Zoom or some other video format? If a hearing is held via Zoom, must committee members be physically present in the hearing room or may they participate from an offsite location?
2. During the public hearing on a bill, is testimony (a) open to the general public (if so, must the testifiers sign up in some way prior to the hearing or simply appear in person at the hearing); (b) permitted by invitation only; or (c) there is another mechanism in place to determine who is allowed to testify, and if this is the case, what is that mechanism?
3. Is there a procedure for determining the testifier order or organization? For example, the principal sponsor, or some other individual, might provide the committee with a list of names and then the committee staff organizes the testifiers in some way. If there is no predetermined testifier order, and the general public is allowed to testify, do testifiers come forward in turn, as they wish, or is there some procedure for organizing testimony such as allowing proponents to testify for a set period of time followed by opponents for a set period of time?
4. During a public hearing on a bill, is there a time limit for individual testimony and, if so, what is the usual time limit? Who makes this determination?
5. Are the hearings themselves time limited?
6. In addition to oral testimony, is there an option for submission of written testimony?
 - (a) If there is an option for written testimony, is the testimony made part of the official hearing record?

7. When a bill is advanced out of committee, are there any reporting requirements?
 - (a) If there are reporting requirements, what information is contained in the report?
 - (b) Does the report include a list of hearing testifiers? (c) Is the committee report available to all legislators?

Changing the Legislative Rules

1. What is the process for changing the body's legislative rules? Who participates in the process (e.g. the full body; a specific committee; a group of select individuals, etc.)?
2. Must new rules or rule changes be adopted by the full body?
3. In general, how frequently are rule changes made or new rules adopted?
4. Is the public allowed to provide input on proposed rule changes? If public input is allowed, is this done in a public hearing or by some other mechanism?

**** QUESTIONS RELATING TO BILL INTRODUCTION ****

1 What is the average number of bills introduced in each session?

Colorado	On average, approximately 600-650 bills are introduced per session; 657 in 2022 and 617 in 2023.
Georgia	331 in 2023 — 294 general bills plus 37 local bills.
Idaho	800-850 drafted, 550-600 actually introduced in committee.
Illinois	Approximately 2,600 in the Senate and 4,100 in the House. Probably 1/3rd are shell bills for potential future use. Bills can be introduced any day of the year.
Iowa	NA
Kansas	Varies greatly but, on average, 290 bills each session.
Missouri	5-Year (2019-2023) Average Senate Bills = 611; Average Joint Resolutions = 39. Average combined = 645.
South Dakota	542
Texas	2013-2023 average of 2,288 bills and 885 resolutions per each biennial regular session.
Washington	See table below.

Washington bill introduction 2014-2023

Year	Senate bills introduced	House bills introduced	Total
2023	798	876	1674
2022	514	564	1078
2021	506	602	1108
2020	695	800	1495
2019	1064	1210	2274
2018	659	778	1437
2017	1017	1286	2303
2016	560	737	1297
2015	1174	1326	2500
2014	647	725	1372
Average	763	890	1654

2 Is there a limit to the number of bills a member may introduce?

Colorado	A member may only introduce 5 bills without authorization from a majority of the delayed bill committee (President, Majority Leader, and Minority Leader).
Georgia	No
Idaho	No
Illinois	No
Iowa	No
Kansas	No
Missouri	No
South Dakota	Per Joint Rule: An unlimited number of bills may be introduced until the last 3 days prior to the deadline for bill introductions by individual members. During that period, legislators are limited to being the prime sponsor of 3 bills or joint resolutions.
Texas	No
Washington	No

3 Of the bills introduced each session, approximately how many get a public hearing?

Colorado	All bills are heard in committee at a public hearing.
Georgia	At least 95
Idaho	400-450
Illinois	Once dropped and read across, bills go to the Assignments Committee. The Committee goes through one by one and determines which bills to assign to committees. The Assignments Committee has the option of not advancing a bill if it chooses to do so. In 2023, approximately 1,400 bills received a hearing.
Iowa	None in the Senate. However, a bill cannot move forward unless it is taken up in a public subcommittee where the public may give oral or written testimony.
Kansas	The information is not tracked.
Missouri	NA
South Dakota	All bills receive a hearing and receive a disposition.
Texas	In the most recent legislative session, 3,694 bills and constitutional amendments received at least one public hearing. In 2019 (the last pre-pandemic session), 4,277 bills and constitutional amendments received at least one public hearing. (Many bills received two public hearings—one for each chamber. Some bills passed with a public hearing in one chamber and a formal hearing (ie: no testimony) in the other.)
Washington	Approximately 75-80%

4 Who makes the determination as to which bills get a public hearing?

Colorado	The Colorado State Constitution requires that every bill be heard on its merits.
Georgia	The chair of the committee.
Idaho	Committee chairs have the ultimate discretion; however, they meet weekly with Senate majority leadership.
Illinois	Generally, every bill that gets out of the Assignments Committee will get a hearing, but it is up to the committee/subcommittee chairs
Iowa	The committee votes on holding a public hearing. By Senate rule, a bill that advances must go through a public subcommittee.
Kansas	The chairperson of the committee where the bill is referred.
Missouri	The President Pro Tem refers each bill to a specific committee then it is the chairman's discretion on which bills within his/her committee get heard.
South Dakota	Joint Rule.
Texas	The committee chair makes the ultimate decision on whether a bill gets a hearing, although they can certainly take input from committee members and others.
Washington	This is up to the discretion of the committee chair.

**** QUESTIONS RELATING TO PUBLIC HEARINGS ****

1 Are public hearings exclusively conducted in person or can they be held via Zoom or some other video format? If a hearing is held via Zoom, must committee members be physically present in the hearing room or may they participate from an offsite location?

Colorado	Members must be present for committee meetings. The public may testify remotely.
Georgia	Members must be physically present in a room in which standing committees meet. Witnesses may testify remotely. Some special committees that meet during the interim may meet remotely. We follow Mason's Manual for those.
Idaho	All committee members are required to be physically present and in their assigned seat per the Senate rules. The public can sign up online to testify either in person or remotely.
Illinois	Members must be in the hearing room but witnesses can participate via Zoom if they choose. The committee chair can make the determination but generally if someone wishes to testify via Zoom it is allowed.
Iowa	The public may participate via Zoom or in person.
Kansas	Committee meetings are conducted in the statehouse but members and the public can participate via Webex.
Missouri	Hearings are all in person for both the legislators and testifiers. No Zoom or other format is accepted.
South Dakota	Committee meetings may be held using the online meeting system for public testimony. Committee members must be physically present.
Texas	Senate hearings are in person, but some members may participate via Zoom in the House, so long as there is a quorum physically present.
Washington	As of the 2023 session, per Senate rules, we are conducting hybrid public hearings. Testifiers may be present in the hearing room or testify remotely via Zoom. Senate rules allow for the committee chair to determine the format of their committee: Hybrid or in-person only. If the committee is hybrid, all members are sent a Zoom link and may participate remotely or in person. If the committee is in-person, members must attend in person.

2 During the public hearing on a bill, is testimony (a) open to the general public (if so, must the testifiers sign up in some way prior to the hearing or simply appear in person at the hearing); (b) permitted by invitation only; or (c) there is another mechanism in place to determine who is allowed to testify, and if this is the case, what is that mechanism?

Colorado	Public hearings are open to the public. Participants must sign up before the bill is heard to testify remotely. Participants can sign up to testify on our website or appear in person. Members/staff can also invite participants.
Georgia	Generally, there is a sign-up list.
Idaho	When legislation is introduced, only the sponsors of the bill can testify on behalf of their legislation. However, once the bill is sent to print and returned to a committee the public can then sign up to testify either in person or remotely.
Illinois	Hearings are open to the public. No permission is needed to testify. People who want to testify must fill out online witness forms that go to the committee chair's office. They can choose to testify orally, provide a written statement, or record an appearance only. Written statements are included in the record.
Iowa	No public hearings in the Senate. However, for subcommittee hearings on a bill, the public may show up or provide testimony without signing up.
Kansas	Testimony is open to the general public and committees have rules governing when testimony must be received in advance of the meeting.
Missouri	All hearings are open to the public and must have notice posted at least 24 hours in advance. Anybody who testifies in a hearing must complete a witness form. These are collected by the chairman's office and used for minutes.
South Dakota	Testimony is open to the public.
Texas	In the House, all witnesses must sign up using an electronic registration system. Some senate committees use this system as well, and others rely on physical registration cards. Typically, everyone who registers to testify is recognized.
Washington	Testimony is open to the public, with the exception of gubernatorial appointments (for which no testimony is taken). Testifiers may sign up to testify as soon as the bill is published to an agenda, up until one hour before the meeting. Testifiers can sign up either online through the legislature's public site, or by using kiosks located around the capitol campus.

3 Is there a procedure for determining the testifier order or organization? For example, the principal sponsor, or some other individual, might provide the committee with a list of names and then the committee staff organizes the testifiers in some way. If there is no predetermined testifier order, and the public is allowed to testify, do testifiers come forward in turn, as they wish, or is there some procedure for organizing testimony such as allowing proponents to testify for a set period of time followed by opponents for a set period of time?

Colorado	The chair of the committee decides the order of testimony. The chair may decide if they want the proponents or opponents to testify first or they may take 5 proponents and 5 opponents each time. Again, it is up to the discretion of the chair.
Georgia	Under Senate rules, the primary sponsor (author) of the bill is allowed to speak and present the bill. Other witnesses follow in whatever order the chair determines.
Idaho	Yes, the list of individuals that have signed up to testify appears under the legislation they have signed up to speak on behalf of on the chairman's computer. They are listed in the order they signed up to testify by time. The chair can see if they are for or against, if they are testifying remotely and their location within the State of Idaho. The chair has the ultimate discretion on who they will call. Typically, the chairs alternate between for and against and sometimes give preference to individuals who have traveled long distances to attend in person.
Illinois	Generally, people come forward to testify as they choose but the committee chair can determine order. If there are many testifiers who are likely to say the same thing, the chair may have the bill's sponsor try and consolidate their testimony.
Iowa	NA
Kansas	The order in which people testify varies by committee but there are no formal rules for the process. If several people want to testify, it is not uncommon for the chairperson to have time limits in place.
Missouri	It is up to the chairman to determine how many testifiers they want to accept. Most will have everyone testifying for the bill and then switch back to everyone against. Sometimes they will switch back and forth, one for one.
South Dakota	It is the responsibility of the chair, in consultation with the committee, to discern how the committee's time is to be managed.
Texas	If present, the author/sponsor is almost always recognized to provide an opening statement regarding the bill and to describe how any proposed substitute is different from the bill as filed. After that, it's up to the chair, although the author/sponsor often provides names of witnesses that they would like the chair to recognize in order to explain the bill. For bills with lots of witnesses, the chair will usually hear from the chief proponents/opponents of the bill, and then move to public testimony. Often chairs will recognize "panels" of witnesses, three at a time, in order to speed up the process of folks moving in and out of the committee's well. Some chairs simply recognize witnesses in the order in which they registered. During long hearings involving many bills, or when a bill has elicited a large number of witnesses, the chair will limit testimony to a number of minutes per witness. (Usually 2 or 3 minutes.) Although it is generally disfavored, some chairs will cut off witness testimony at a certain time—midnight, for example. Most committees will simply go into the night and the next morning, if necessary, to hear all the registered witnesses. If present, the author/ sponsor is usually invited to offer a closing statement regarding the bill.
Washington	This is entirely up to the discretion of the committee chair. Some go in the order testifiers signed up, others favor in-person testifiers, others toggle between pro and con testifiers. Some allow elected officials or certain stakeholders to testify first, some ask their caucus staff to help determine the order, others work with their ranking members – but regardless of the method, the order in which testifiers are called on is the chair's discretion.

4 During the public hearing on a bill, is there a time limit for individual testimony and, if so, what is the usual time limit? Who makes this determination?

Colorado	The chair of the committee may impose time limits on testimony for bills with a lot of interest. Time limits are typically 2 to 3 minutes.
Georgia	No specific time limit. Time limits are determined by the chair, of course that is subject to appeal and decision by the committee.
Idaho	The chair of the committee has the ultimate discretion – time limits depend on how many people have signed up to testify and how many pieces of legislation the committee needs to consider. On average, chairs tend to limit testimony to 2 minutes, then allow time if the committee members have questions.
Illinois	There is no time limit.
Iowa	Subcommittees limited in time and speaker time.
Kansas	The time limits vary and the chairman decides.
Missouri	The chairman may set a time limit if they choose. Most will only put a time limit if there are a high number of testifiers.
South Dakota	It is the responsibility of the chair, in consultation with the committee, to discern how the committee's time is to be managed.
Texas	Sometimes, but not all the time, the chair makes this determination.
Washington	This falls to the chair's discretion. Typically, if there are not many testifiers, a timer is not used, but it also depends on the chair. The usual time limit is 60 seconds but can vary.

5 Are the hearings themselves time limited?

Colorado	No.
Georgia	Only to the extent a meeting room is needed for another meeting. In such case, the meeting is continued to the evening and they can go as long as they want.
Idaho	Yes, most committees have a set start and end time. Depending on the committee, some meet for 1½ hours and others 2 hours.
Illinois	No, but generally they are no longer than 3 hours. There are only a total of 4 hearing rooms so you only get the room for a half day.
Iowa	NA
Kansas	There are no formal time limits but most committees adjourn so that another committee can use the meeting room. Most committees meet for an hour.
Missouri	The President Pro Tem sets a hearing schedule the first week of session. Each committee will have anywhere from an hour to two hours. Some committee hearings do run over their time limit so they will recess and reconvene later the same day.
South Dakota	It is the responsibility of the chair, in consultation with the committee, to discern how the committee's time is to be managed.
Texas	A committee cannot meet while the committee's associated chamber is in session, so there is an effective time limit; but, generally, no although the chair can set a limit.
Washington	A standard committee meeting during the legislative session is 2 hours. Chairs can request a shorter or longer meeting, but lengthening a meeting requires approval from Senate leadership.

6 In addition to oral testimony, is there an option for submission of written testimony? If there is an option for written testimony, is the testimony made part of the official hearing record?

Colorado	Written testimony may be submitted to the committee and is incorporated into the record.
Georgia	Written testimony is often submitted. We do not have official records of committee proceedings other than the report of the committee and minority reports.
Idaho	Yes. Individuals can submit their written testimony online through the signup page on testifying or can email it to the committee secretary. The written testimony is distributed to the members of the committee and, if the individual requests that it be included in the official record, then we add that to the final committee book for future reference.
Illinois	Yes to both.
Iowa	Yes as to subcommittee.
Kansas	Yes, testimony may be written only and it is part of the official record.
Missouri	Witnesses testifying can submit written testimony as well but do have to be present in the hearing to have it distributed to the committee members.
South Dakota	The answer is yes to both.
Texas	No, but committees will archive it for posterity.
Washington	We have three testimony types - oral, legislative record, and written. Legislative record means the testifier does not wish to make a statement but wants their position (pro/con/other) noted to the record. Written testimony is submitted through an online portal. Submissions are accepted from when the bill is published to an agenda to 24 hours after the hearing. It is saved to the record.

7 When a bill is advanced out of committee, are there any reporting requirements? If there are reporting requirements, what information is contained in the report? Does the report include a list of testifiers? Is the committee report available to all legislators?

Colorado	A committee report is produced, read across the front desk, distributed to members, and available to the public. The report includes the action the committee took on the bill and any potential amendments to be considered on Second Reading.
Georgia	We do have a reporting requirement and the only requirement is that the report states the committee's recommendation on passage of the bill and any recommended amendments. The report does not contain the names of testifiers and is available to all legislators. The committee chairman is required to keep minutes of all meetings and these include a list of appearances by anyone other than a member of the committee.
Idaho	Yes, the committee secretary is required to send up a report of the committee action: (1) Do Pass Recommendation; (2) Recommendation to send to the 14 th Order for Amendment; (3) No Recommendation. If the committee decides to hold the legislation or it dies for a lack of a motion, no report is needed to report the action to the Senate floor. The only information the report contains is the recommendation of the committee.
Illinois	Yes. The committee report lists all the bills that were advanced that day marking them "do pass" or "do pass as amended" with recommendations for further action. A list of hearing testifiers is not included. The committee report is part of the permanent record.
Iowa	The report is a public document. The Senate does not have testifiers at committee level. Report covers amendments (proposed and accepted) and votes on the bill.
Kansas	When a bill advances out of committee, a committee report is read in during our floor session of the full senate, thus making the bill eligible for consideration by the full senate. The committee report includes the committee recommendation (be passed or be passed as amended).
Missouri	The only information contained in the committee report is if the committee passed the bill "do pass" as the original bill or has had a Senate Committee Substitute drafted and is proposing the "SCS, hereto attached, do pass." If they have a SCS then 3 copies of it will be attached to the report as well. The report does have a list of testifiers. Minutes for each hearing are turned in to the Secretary of the Senate within 48 hours of the hearing taking place. The minutes are put online on our private website that all staff, legislators, etc., have access to. The hard copies are kept with the Secretary of the Senate.
South Dakota	The committee report includes recommended amendments to the bill (if any) and a recommendation to the legislative house as to how it should act upon the bill. The report does not include a list of hearing testifiers.
Continued on next page	

Texas	<p>Every committee report printing on a bill or resolution shall include: (1) a copy of the committee report form showing the record vote by which the measure was reported whether the measure was reported favorably or unfavorably, with amendment or substitute; (2) a copy of the original bill or resolution, unless the committee reports a substitute measure; (3) a copy of any substitute bill or resolution; (4) a copy of each amendment adopted to the bill or resolution; (5) any fiscal note on the bill or resolution, including any updated fiscal note required by Rule 7.09; (6) any criminal justice impact statement, including any updated statement required by Rule 7.09; (7) any equalized education funding impact statement including any updated statement required by Rule 7.09; (8) any higher education impact statement, including any updated statement required by Rule 7.09; (9) any actuarial analysis including any updated analysis required by Rule 7.09; (10) a bill analysis, including any updated analysis to reflect any change made by amendment or substitute; and (11) a list of witnesses testifying in favor, against, or on the bill or resolution. The contents of each report are made available on our Texas Legislature Online system. House members receive a scanned copy of each house committee report via email. Senators receive a paper copy of each senate committee report.</p>
Washington	<p>The Senate votes subject to signature and uses standing committee reports to record the official vote. These physical sheets contain the bill's information, motion, and members' signatures on the majority/minority report. A copy of this document can be requested. The vote is included in the out of committee bill report as described below.</p> <p>An out of committee bill report is also created after the bill is voted on. This includes the bill history and summary, summary of testimony and a list of those that testified, and voting record. Bill reports are published on the Legislature's website and are a public document available to all.</p>

**** QUESTIONS RELATING TO LEGISLATIVE RULES ****

1 What is the process for changing the body's legislative rules? Who participates in the process (e.g. the full body, a specific committee, a group of select individuals, etc.)?

Colorado	Rules changes are proposed by resolution and approved by a majority of the members of the Senate with 3 days' notice. If 3 days' notice is not given then 2/3rd's shall be required. If the rules are made temporary then a majority vote without a 3 days' notice is all that is necessary.
Georgia	By resolution filed and referred to the Senate Committee on Rules which is required to make its recommendation within 2 legislative days. Failure to so report allows the resolution to come before the senate immediately for consideration.
Idaho	Normally rules are changed by a Resolution. Joint Rules are changed by a Concurrent Resolution. Per the rules, after a Resolution is sent out of committee to print, after it is reported printed it is sent directly to the 10th Order of Business and voted on the next day – or whenever the body decides to take up that calendar. This requires a 2/3rd's vote of the body to change the rule/or adopt a new one. If the Resolution is requested to be returned to the Judiciary and Rules Committee and it is reported out with a “do pass” recommendation, then it only requires a majority of the body to adopt.
Illinois	Change is by a resolution to amend brought by 30 Senators.
Iowa	Specific committee and then by vote of the Senate.
Kansas	Senate Rules are adopted at the beginning of each term where the rules bypass committee and go straight to debate by the full senate where they are subject to amendment from any of the 40 senators. The rules can be amended throughout the term via resolution. This is rare and usually happens when standing committees are combined or separated or when the number of members on a committee changes.
Missouri	A Senator must offer a Senate Resolution (Rule Change). Rule changes must lay on our calendar for one day before being brought before the body for consideration.
South Dakota	The House and Senate appoint committees on legislative procedure. Most legislative rules are joint rules. The committees on legislative procedure submit a report to the respective bodies, adopting the rules from the previous regular session as permanent rules for the new session with revisions.
Texas	The house adopts its rules at the beginning of each session in an open debate on the floor. The senate adopts its rules in a closed caucus. The entirety of each body participates.
Washington	Changing the Senate Rules is completed by a resolution to the full body typically on the first day of session.

2 Must new rules or rule changes be adopted by the full body?

Colorado	The majority.
Georgia	Yes, by a 2/3rd's vote.
Idaho	Yes.
Illinois	Yes, by a 3/5th's vote.
Iowa	Yes.
Kansas	Yes, a majority of 21.
Missouri	Rules changes take a 2/3rd's vote to pass. We have 34 members thus 23 votes are needed to adopt.
South Dakota	Yes.
Texas	Yes.
Washington	Yes.

3 In general, how frequently are rule changes made or new rules adopted?

Colorado	Infrequent.
Georgia	We adopt rules at the beginning of every two-year biennium. Other changes occur within the biennium occasionally.
Idaho	It depends. Sometimes we go years without any updates, some years we have multiple changes.
Illinois	New rules are adopted at the beginning of the session. They usually just adopt the rules of the previous session.
Iowa	Start of each new two-year General Assembly.
Kansas	At the start of each term.
Missouri	We usually have several rule changes offered every session but only one or two rule changes are adopted every general assembly.
South Dakota	Annually at the start of the session.
Texas	Rules are generally changed every session.
Washington	Typically, each biennium.

4 Is the public allowed to provide input on proposed rule changes? If public input is allowed is this done in a public hearing or by some other mechanism?

Colorado	Senate rule changes do not require a public hearing.
Georgia	It is up to the chair. All of our meetings are open to the public and it is up to the chair to determine if members of the public can testify, how long they can testify, and the order in which they testify.
Idaho	Absolutely not. The rules belong to the body.
Illinois	No. Rule changes do not go through a public hearing.
Iowa	Yes. Not by public hearing, but can comment at a public subcommittee on the legislation on proposed rules.
Kansas	The public can contact senators directly regarding suggested rule changes.
Missouri	No, we do not take any public input.
South Dakota	Public testimony may be allowed via public hearing, but it is not required.
Texas	No. The process of establishing rules is for the purpose of governing procedures among members, subject to constitutional and statutory requirements.
Washington	No.

Appendix 6

Slides for LR 179 results/findings

LR 179



Public Participation in a Representative Form of Government

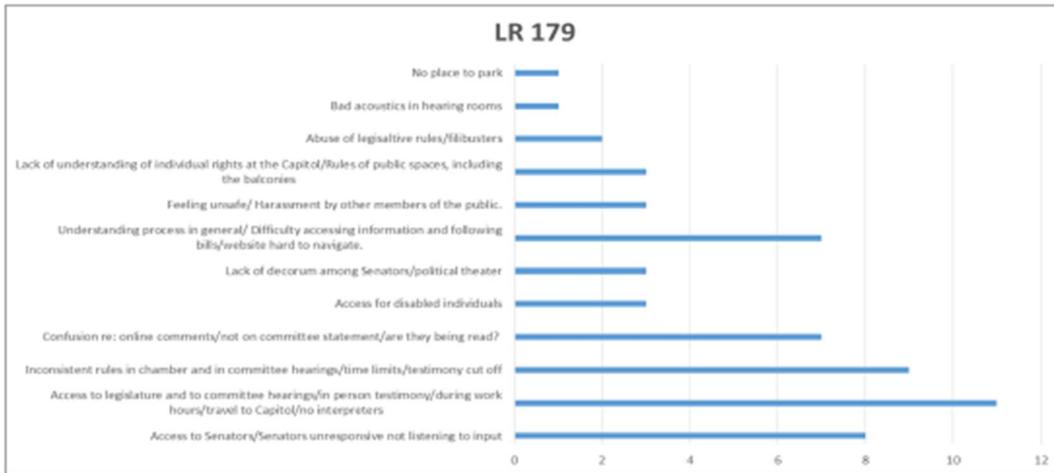
Opportunities for Improvement

- Concerned citizens and advocacy groups across the political spectrum.
 - Voices not being heard, particularly in large hearings.
- Opportunities for Improvement:
 - Improve website;
 - Educate on public comment options;
 - Improve committee operations;
 - Consideration of expectations. What should members of the Legislature expect in regards to public participation? What should the public expect from its elected leaders and the legislative institution?
- Introduction of LR 179
 - A study of the public's participation in the legislative process in a representative form of government to determine strategies to improve our processes.



Surveys

- Surveys sent to stakeholders (11 responses on behalf of member organizations)
- Survey members to identify top five areas of concern with respect to public's ability to engage in legislative process.



Surveys

- Identified top recurring themes:
 - Access to the Legislature and committee hearings;
 - Inconsistent rules in committee hearings;
 - Senators unresponsive;
 - Confusion regarding online comments;
 - Difficulty understanding the process in general/webpage hard to navigate.



Public Protests in the Capitol/Use of Balconies

- Per State Patrol rules, regulations, and operating procedures...
 - Should a disturbance arise in either balcony, both balconies will be cleared to avoid funnelling into a single balcony.
 - Due to the central vantage point and current patrol presence, the east balcony has been deemed a security vulnerability and will not be utilized during the normal course of legislative debate.
 - Exterior protests or rallies brought inside the Capitol may result in violations up to and including arrestable offenses, if they interfere with an official function of state government and crowd or noise levels are not maintained.
- The usage of televisions for large crowds will continue to be implemented, avoiding crowds pushing up against the glass doors creating safety hazards for all involved.
 - The vestibule area may be roped off and deemed off limits if individuals flood that area and render it a hazard
- Ultimately, we'll have far greater success and less confrontations if advocacy groups and individual supporters could continue to police up after their own.



Website/Hard to Follow Process

- Website redesign complete in summer of 2024
- New feature/Easy Bill Tracker



Public Hearings



LR 179 Public Engagement Study

Purpose of the Public Hearing:

- The public hearing is an information gathering endeavor in which senators on the committee are seeking information about the proposed legislation that they do not know or have not thought about. Inform our vote.
 - The public hearing allows individuals representing themselves or a group to share their unique perspective on a proposed measure.
- The public hearing also serves as a record about the proposal for future historical and legal purposes.
- A key component of the public hearing process is the ability for senators to engage directly with testifiers to ask questions and elicit clarification on the information provided in their testimony.



Public Input Systems Overview



Public Hearing Testimony

- In-person Verbal Testimony
 - Allows committee members to question testifiers and ask for clarification
- ADA Accomodation written testimony

Online Submitted Comments

**Online Comments
for the
Public Hearing Record
as an Exhibit**

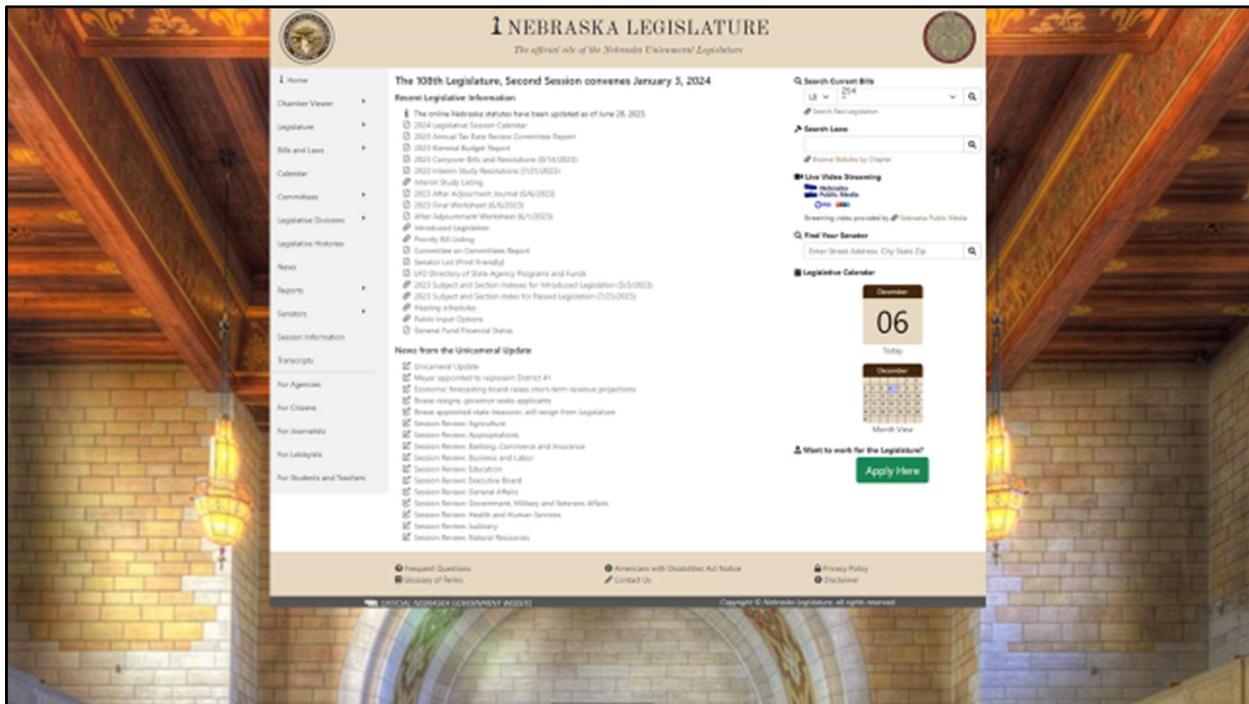
**All Other
Online Comments**

Public Hearing Record

- Public Hearing Testimony transcribed word for word and available on the website once completed and may be requested through the Clerk of the Legislature's office
- Exhibits - handouts provided to the committee by testifiers and the online comments for the public hearing record
- Exhibits are available when requesting a public hearing record from the Clerk of the Legislature's office and specifically requested (not available until the committee's bill book is submitted in the fall following the end of session)

Emails - Letters - Phone Calls - In Person Meetings

- All viable and effective forms of communication with members of the Legislature
- Direct communication with a member and are not a part of the record



1 NEBRASKA LEGISLATURE
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LB254 - Provide and change requirements relating to video coverage of the Legislature, performance audits, and the Legislative Mental Health Care Capacity Strategic Planning Committee

Introduced By: Steven
Date of Introduction: January 16, 2023

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Submit Comments Online For LB254

Date	Action	Journal	Vote
Jan 21, 2023	Went name added	435	
Jan 25, 2023	Notice of hearing for February 16, 2023	377	
Jan 25, 2023	Went name added	368	
Jan 17, 2023	Committee added	361	
Jan 12, 2023	Referred to Executive Board	319	
Jan 11, 2023	Legislation name added	314	
Jan 16, 2023	Date of introduction	301	

Submit Written

LB254
Provide and change requirements relating to video coverage of the Legislature, performance audits, and the Legislative

Hearing Date: February 16, 2023

The deadline to submit comments is:

All fields are required
Include Comment in Hearing
 Yes No

First Name
Last Name
City
State
Zip
Email Address

To confirm your submission, a link from **Nebraska Legislature** with a subject line of **Verify your Written Comment for LB254** will be sent to this email.

If you are a registered lobbyist, political organization or represent a State Agency/Organization and your comments are not specific to a District, please select it.

Representing
 State Other

Name
 Proposer Opposer Neutral

Written Submission

Enter your written comments. There is a limit of 500 words. If copying and pasting from another source, please paste as plain text. On Windows, right mouse click and select Paste as Plain Text or by holding CTRL and Shift and then pressing V on your keyboard. On a Mac, right mouse click and select Paste and Match Style or by holding Command and Shift and then pressing V on your keyboard.



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- For Students and Teachers

Submit Written Comment

LB254
Provide and change requirements relating to video coverage of the Legislature, performance audits, and the Legislative Mental Health Care Capacity Strategic Planning Committee

Hearing Date: February 10, 2023 Hearing Time: 12:00 Hearing Location: Room 1525

The deadline to submit and verify a comment for the hearing record for LB254 is Thursday, February 9, 2023 at 12:00 PM Central Time.

All fields are required

Include Comment in Hearing Record
 Yes No

First Name Last Name

Street

City State Zip

Email Address

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 Self Other

Stance
 Proponent Opponent Neutral

Written Statement
 Enter your written comment. There is a limit of 500 words. If copying and pasting from another source, please paste as plain text. On Windows, right mouse click and select Paste as Plain Text or by holding CTRL and Shift and then pressing v on your keyboard. On a Mac, right mouse click and select Paste and Match Style or by holding Command and Shift and then pressing v on your keyboard.

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Online Public Record Comments

[Back to Bill Detail](#)

LB254 - Provide and change requirements relating to video coverage of the Legislature, performance audits, and the Legislative Mental Health Care Capacity Strategic Planning Committee

[Print Friendly](#)

Proponent

Proponent - 26 Public Record Comments Submitted

Elizabeth (Liz) Abel	Self	Tyler Galino	Self
Mary Barton	Self	Maria Hovatt	Self
Patricia Beckham	Self	Joan James	ACLU of Nebraska
Sandra Black	Self	Daniel Lancaster	Self
Thomas Blanton	Self	Tim Laska	Self
Fanchon Elythe	Self	Todd Miller	Self
Ellott Buchauf	Self	Jim Mowdy	Self
Jessica Brackman	Self	Ruth Peters	Self
Amy Ecodersen	Self	Isaac Remboldt	Self
Kevin Chambers	Self	Lisa Schmitt	Self
Peggy Connerus	Self	Heather Smalley	Self
Amy Cook	Self	Penny Stephens	Self
Walter Sue Dodd	League of Women Voters of Nebraska	Andrew Sullivan	Self
Andrew Dunkley	Nebraska Farm Bureau	Larry Trexler	Self
	Nebraska Pork Producers	Amy Tyler Krings	Self
	Nebraska Soybean Association	rachael walter	Self
	Renewable Fuels Nebraska	Eric Warner	Self
	Nebraska State Dairy Association	Lynn Zelenki	Self
Bryce Ediger	Self		
Nancy For	Self		
Tiffany Fox	Self		
Angie Gallagher	Self		

Opponent

No Opponent Public Record Comments Submitted

Neutral

No Neutral Public Record Comments Submitted

Frequent Questions

Glossary of Terms

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Proposed “Annotated Hearing Procedures”

- Annotated Hearing Procedures should be followed by all committee chairs for large attended public hearings.
- Chairs would determine which bills necessitate Annotated Hearing Procedures.
- Prior notice that a public hearing will follow the Annotated Hearing Procedures to be printed on the hearing schedule.
- Chairs would have the option to implement Annotated Hearing Procedures for unexpected large crowds.
- Also, notice on the hearing schedule if bills will be combined for purposes of the hearing.



Components of Proposed “Annotated Hearing Procedures”

- For individuals having the opportunity to testify, they would be guaranteed 3 minutes to present their testimony. (Questions do not count towards time).
- Principal Introducer will be allowed to arrange invited testimony, but testifiers are limited to the 3 minutes, plus questions.
- 1 hour of proponent testimony followed by 1 hour of opponent testimony followed by some time provided for neutral testimony, then recycling back through the 1 hour-1 hour-neutral testimony format.
- Seating in the hearing room will be divided with one side proponent testimony and one side opponent testimony to avoid the need to fully clear the room when changing to the next hour of debate. A duty of the in-the-room Sgt.-at-Arms will be to serve as ushers to indicate the next testifier.



Components of “Annotated Hearing Procedures”

- Overflow attendance to be seated in the overflow room. Admittance to the hearing room as testifiers exit the room will be managed by the Sgt at Arms and come from persons seated in the overflow room. Need to determine the process regarding how to handle stepping out to use the restroom etc.
- Location of green testifier sign-in sheets and non-testifier attendee sign-in sheets located in the same location from hearing room to hearing room.



Additional Proposals and Considerations

- Three minutes of testimony guaranteed at all other hearings, but the chair may allow up to five minutes.
 - The minimum 3 minute length of testimony guideline would be published for the public's preparation for testifying at a hearing.

