

September 20, 2023

Sen. John Arch, Speaker  
Nebraska Legislature, State Capitol  
Lincoln, NE 68508

Speaker Arch,

Thank you for requesting this response from the Coalition for a Strong Nebraska on the matters addressed in LR 179. We appreciate your leadership in this effort that acknowledges the difficulties that many members of the public experienced during their attempts to engage in the legislative process during session.

The Coalition for a Strong Nebraska strives to advance the knowledge and participation of nonprofits in policy advocacy and to provide them with tools for successful engagement in public policy that affects those whom they serve. One of our specific goals is to improve access for all Nebraskans to engage with the Legislature and to remove barriers to participation in the legislative process.

With more than 100 individual responses to our survey, some representing individuals, and some representing whole organizations, we submit our top five areas of concern with respect to the public's ability to effectively engage in the legislative process.

1. **Inability to access senators.** The concern referred to most by survey respondents was related to the public's lack of opportunity to engage with their senators.
  - a. The primary issue was that senators were inaccessible to constituents who could not get time scheduled for meetings, could not get the attention of senators for rotunda discussions, or who were ignored or treated rudely by a senator or staffer.
  - b. The observation was that senators chose not to meet with or listen to members of the public who held different views on certain bills.
  - c. Several respondents mentioned that it was at times difficult to hold a senator's attention during bill hearings where they believed senators had already made up their minds and were distracted by other work.
  - d. Respondents also noted that, as it was not clear whether senators received public comments submitted in hearings, emails, or through the portal, they felt that their attempts at engagement were futile.
  - e. Some respondents felt targeted because of their views on politically charged bills in a way that they had not experienced before. In the past,

they believed most senators would meet and listen, even if they disagreed. This session was different. There was a noticeable lack of tolerance and courtesy at the Legislature.

- f. (CSN Note): It is often said that Nebraska's unique Unicameral requires reliance on the "second house" of the Legislature, or the citizens of the State of Nebraska. The people, it was argued when the unicameral system was under consideration, would serve as the "checks and balances" to prevent abuse of power by elected officials. Ensuring that members of the public have the opportunity to have their voices heard is vital to the legitimacy of the legislative process. The rules of engagement must be fair, clear, and distributed widely to ensure the public knows how and when to be engaged, and ultimately, to be heard.

**2. Fair access to the hearing process.**

- a. Survey participants noted the difficulty in finding clear and consistent procedures on how public hearings were to be run, and of the public's rights to be heard.
- b. The most significant complaint related to public hearings was the inability of a number of Nebraskans being denied the opportunity to provide their testimony to a committee. Some traveled to be at a hearing, some waited hours to give their testimony, and some had never been to a bill hearing before. Each instance adding insult to injury by being told that time had run out and their testimony would not be accepted.
- c. Several respondents mentioned that the use of time limits and lights was inconsistent and unfairly benefitted one side over the other on certain bills.
- d. The use of invited testimony was viewed as unfair, taking away time from the public's opportunity to be heard, particularly when invited testimony was from non-Nebraskans.
- e. Respondents asked for better access options for people who work full-time during the day, and those who live far away from the Capitol, as access right now favors views from the east side of the state.
- f. Finally, respondents request a better system of submitting public comments on bills, with fewer restrictions on how and when public comments may be provided.

**3. Accessibility for those with disabilities.** Nebraskans with disabilities have long experienced barriers to participating in the process, starting with the physical barriers of entering the Capitol.

- a. The lack of options to testify when transportation or technology become barriers was noted.

**4. Absence of decorum and mutual respect between lawmakers and the public.** While some respondents had concerns with how they were treated by

senators, more were concerned by the effect of senators' lack of decorum and respect between each other. The body's inability to trust and respect one another throughout the session was seen as harmful to the process and the Legislature's ability to make good policy decisions for the benefit of the state.

- a. Respondents mentioned confusion and disagreements over the rules, the filibuster, and a lack of civility between senators as matters of concern for all Nebraskans.
5. **Understanding of the legislative process in general.** The 2023 session saw large numbers of Nebraskans in the rotunda and attending hearings who had never engaged with the Legislature.
- a. While respondents were aware of their right to be at the Capitol, and their right to engage in the process, they were less certain of their rights when tensions rose.
  - b. More respondents indicated that they did not know what kinds of activities could lead to their expulsion or arrest, what to expect when there is debate on politically charged bills with significant interest, or what can be done if they do not feel safe in the Capitol.
  - c. (CSN Note): While the protests that took place inside of the Capitol were unprecedented, uncomfortable, and disruptive, we commend the Speaker for his handling of the protests and allowing them to go on. To do otherwise would have been a breach of the public's right of free speech and would have done damage to the public's trust of the legislative body. The protests by Nebraskans who typically do not engage in disruptive activity underscores the seriousness not only of the subject matter, but the fact that the public found it necessary because they did not believe the senators were listening. It's important that the public and the government that serves them all understand the laws and rules of this type of engagement to avoid tension between law enforcement and citizens. A protester should know the consequences of their activities before they decide to do them.

Again, we appreciate and commend you for providing this forum. We look forward to working with your office and the Executive Board of the Legislature, focusing on what can and should be done moving forward to encourage the public's positive participation in the legislative process.

Sincerely,

Laurie Ponce, Director  
Coalition for a Strong Nebraska