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 **Capitol View**

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**Nebraska Press Association**

**Legislature Ponders Improved Public Input**

Nothing ruins a public hearing on a legislative bill like the public showing up.

Wait, what?

A former boss said it years ago at the end of a particularly long day of hearings at the State Capitol.

At the time, I agreed. I still feel that way at times. The same message over and over from the public gets a little tedious. Just give me a show of hands, for or against.

If you don't have anything different to say, don't. Just use a sign-in sheet. Don't call us, we'll call you.

On the heels of one of the most tumultuous sessions in recent memory, Speaker of the Legislature John Arch from Omaha is looking for ways to make public testimony easier and more inclusive. Lawmakers will consider feedback provided by a study resolution.

What that is going to look like remains to be seen. But I have some thoughts.

Background, in case you forgot. Strong opposition of several bills, filibustering from a couple Omaha senators and almost daily protests which spilled over into the Capitol Rotunda (right outside the legislative chamber) and into the balcony of said chamber.

At one point the crowd tossed feminine hygiene products from the balcony onto the floor of the chamber while senators were debating. Arrests were made.

Not the way the public voice should be heard.

Hearings on guns, abortion, LGBTQ issues, voter identification and election reform drew hundreds to testify, observe or lobby. Others called or wrote senators. Many came to protest or watch debate. But many also left frustrated at not being able to testify or angry about how a hearing had been managed.

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Arch said he hopes his measure (LR179) will provide lawmakers who convene in January with guidelines on how Nebraskans, often dubbed the second house to the state’s one-house Legislature, can have their voices heard and engage productively with lawmakers.

“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,” the resolution says. Please note, that decorum thing is a two-way street.

Currently, legislative committee chairs set most guidelines for hearing testimony. When time is short or the list of testifiers is long, chairs often set time limits on individual testimony with green, yellow and red lights to warn speakers. At times, chairs have limited the total time allocated for proponents, opponents and neutral testimony or have allowed alternating blocks of time, so that committee members can hear different views before the hour gets late and attention wanes.

The measure also provides for a study of state laws, rules and regulations, and the Legislature’s official and unofficial practices and procedures concerning public participation. It also calls for an examination of “constitutional provisions relevant to the public’s right to access the State Capitol and attend public activities.”

Some say that smacks of limited access, but Sen. Tom Briese of Albion, who chairs the Legislature’s Executive Board, denied there was any desire to curb public access. “Enhancing access has to be done in an orderly and fair manner,” he said.

Arch invited 13 organizations to ask their members to answer 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?” Answers provided by the organizations will then be used to solicit ideas for addressing those top concerns, which could then be turned into recommendations for action.

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Even though there is no place like Nebraska, the study also will include a survey of how other states handle public participation.

Some thoughts:

The state Fire Marshal needs to set limits on the number of people who can be in the building at certain times. Likewise, gatherings in the balcony and the rotunda should be limited to a specific audience size and the limits enforced.

Hearings should be staggered so the “big” issues don’t happen on the same day.

The number of bills that can be introduced should be reduced.

Those wishing to testify should fill out a form stating their intent and summarizing their top 5 points. The forms should be available on-line or in person at least two weeks in advance of the hearing and should be submitted 48 hours before the hearing.

Proponents, opponents, and those who are neutral should be allowed five speaking spots per hearing.

This is a real challenge and a great opportunity. Here’s hoping lawmakers take advantage.

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