



# SNAPSHOT



*A policy brief from the Legislative Research Office*

## End of Session Special: Unicameral Facts and Figures

**By Travis Moore**  
**Research Analyst**

As the 105<sup>th</sup> Legislature wraps up its business, the Legislative Research Office wants to leave you with a few historical tidbits.

### **Tie Goes to the Lieutenant Governor?**

Article III, sec. 10, of the Nebraska Constitution provides in part that the Lieutenant Governor serves as the presiding officer of the Legislature and casts a vote only when the Legislature is equally divided.

However, that power is not absolute.

In 1981, LB 376, a contentious banking bill, was on final reading. The vote on final passage was 24 yeas and 24 nays. One senator abstained. Lieutenant Governor Roland Luedtke declared the body equally divided, cast his vote in favor of the bill, and declared the bill passed. He then signed the bill while the Legislature was in session, and LB 376 was presented to Governor Charles Thone.

Governor Thone returned the engrossed copy of LB 376 to the Legislature with a letter stating that he was not vetoing the bill, but returning it because, based on an Attorney General's opinion, the bill had not been properly passed. Only 24 legislators voted for passage; another provision of the Constitution— Article III, sec. 13— provides that “No bill shall be passed by the Legislature unless by the assent of a majority of all members elected...” Twenty-four votes was not a majority of all members.

The Nebraska Supreme Court ruled on the dilemma in an original action in *Center Bank v. Department of Banking & Finance of State*, 210 Neb. 227 (1981). The Court found that the Lieutenant Governor was not a member of the Legislature, and a “bill must receive the affirmative vote of 25 senators on final reading before it can become law. Because LB 376 received the affirmative vote of only 24



**The Nebraska State Capitol in 1937, a few years after construction was completed. Photos courtesy Nebraska State Historical Society**

senators on final reading, it failed passage and did not become law.”

### **It's a Family Affair...**

Throughout our state's history, many Nebraska families have answered the call to serve in the Legislature.

- The Warner family, one of Nebraska's most well-known political families, spent a total of 66 years in public service. Charles J. Warner not only served as the Speaker of the newly formed Unicameral Legislature in 1937, but previously served in the Nebraska House of Representatives from 1901 to 1907 and the Nebraska Senate from 1919 to 1937. And, from 1949 to 1955, Charles Warner served as the state's 25th Lieutenant Governor. Senator



Jerome Warner, son of Lieutenant Governor Warner, was elected to the Legislature in 1963 and served until his death in 1997. During his terms in office, Jerome Warner was elected the 18th Speaker of the Legislature and served as the chair of the Executive Board and the Appropriations, Education, and Revenue committees.

- Senator John Adams, Jr. of Omaha served in the Nebraska House of Representatives from 1935 to 1937 and was the first African American to serve in the Unicameral Legislature from 1937 to 1943. Eight years later, his father, John Adams, Sr. was elected to the Legislature. He served from 1949 to 1963.
- Senator Stanley Matzke, Sr. served his first stint in the Nebraska Legislature from 1940 to 1942. He was re-elected twenty-two years later and served from 1964 to 1966. Gerald Matzke, son of Senator Stanley Matzke, represented District 47 from 1993 to 2000.
- In 1941, Otto Kotouc, Jr. was elected to the Legislature and served two years. His father, Otto Kotouc, Sr. later served in the Legislature from

1951 to 1959. Both men were from Humboldt and represented the same district.

- Senator Matt Wylie served in the Legislature from 1961 until his death in 1964. Governor Frank Morrison appointed Senator Wylie's wife, Fannie, to serve the remainder of her husband's term. Subsequently, Matt Wylie's son, William, was elected to the Legislature and served from 1965 to 1971.
- Maurice Kremer, of Aurora, served in the Nebraska Legislature from 1963 to 1983. During his time in office, Senator Kremer served as the chairman of the Agriculture and Public Works Committees. His son, Bob Kremer, represented District 34 from 1999 to 2007. Following in his father's footsteps, Senator Bob Kremer also served as chairman of the Agriculture Committee.
- Carol McBride Pirsch represented District 10 in Omaha for 18 years— 1979 to 1997. A decade later, her son Pete Pirsch was elected to represent Legislative District 4 in Omaha.



**Senators kicking back during the 60th session of the Legislature in 1947 when the body met every other year.**  
Photo courtesy Nebraska State Historical Society



- Senator Ray Janssen of Hooper served in the Legislature from 1993 until 2008. During his tenure, Ray Janssen served as the chairman of the Revenue Committee. Charlie Janssen, nephew of Senator Ray Janssen, represented District 15 beginning in 2009. Senator Charlie Janssen resigned from his legislative seat in 2014 to serve as the Auditor of Public Accounts.
- Senator Phillip Erdman represented Bayard and western Nebraska from 2001 to 2009. His father, Steve Erdman, was elected in 2016 and currently represents District 47.
- Senator Gwen Howard began representing Legislative District 9 in 2005 and passed the torch to her daughter, Senator Sara Howard, in 2012.

## Leaning In: Women in the Legislature

Mabel Gillespie, Clara Humphrey, and Sarah Muir were the first women elected to the Legislature. All three women were elected to the House of Representatives in 1924.

Since becoming a Unicameral Legislature in 1937, 70 women have served as senators. Twenty-two were appointed to office, and of those 22 women, five were appointed to serve the remaining terms of their late husbands.

- Senator Nell Krause of Albion was appointed in 1946, becoming the first woman to serve in Nebraska's Unicameral Legislature.
- The first woman elected to the Unicameral Legislature was Senator Kathleen A. Foote from Axtell, who served from 1955 to 1959.
- Senator JoAnn Maxey of Lincoln was the first African American woman legislator. She was appointed in 1977 and served until 1979.
- Senator Tanya Cook (2009-2017) and Senator Brenda Council (2009-2013) were the first African American women elected to the Nebraska Legislature.
- The youngest woman to ever serve was 23-year-old Senator Karen Kilgarin, elected in 1980.
- The record for the most women to serve in the Legislature was from 1996 to 1999 at 13. Though this record has not been broken, it was met again in 2016 to 2018.
- Thirty-two women have served as committee chairs in the Legislature.
- Senator DiAnna Schimek is the longest serving female legislator. Senator Schimek served 20 years, half of which were spent chairing the Government, Military and Veterans Affairs Committee and the Legislative Performance Audit Committee.



**Nell Krause**



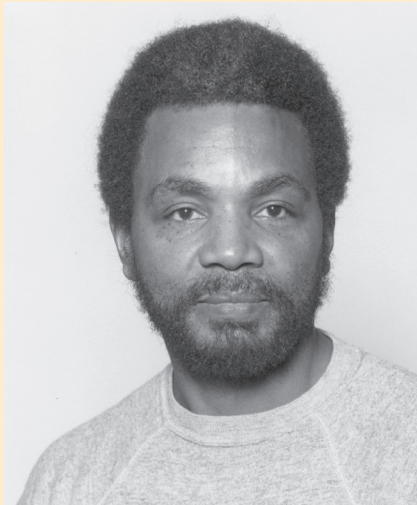
**Kathleen A. Foote**



**DiAnna Schimek**



## Legislative Firsts



**Ernie Chambers**

Senator Ernie Chambers was first elected to the Legislature in 1970 at the age of 33. He represented District 11 until 2008, when he left the body due to term limits. In 2012, Chambers became the first Senator to return to the Unicameral after being term limited. Now 81 years young, Senator Chambers is serving his 44th year in office.



**Tony Fulton**

**LEFT:** Nebraska's first Asian American legislator is Tony Fulton. Senator Fulton served from 2007 to 2013 and presently serves as Nebraska's Tax Commissioner.

**RIGHT:** Senator Tom Brewer, currently representing District 43, is Nebraska's first Native American legislator.

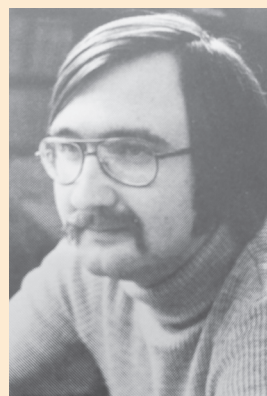


**Tom Brewer**



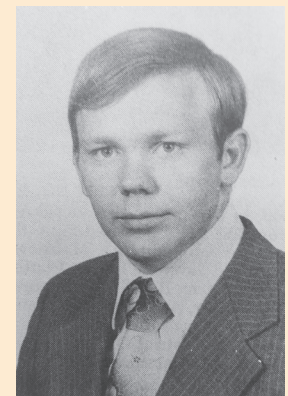
**Ray Aguilar**

Senator Ray Aguilar from Grand Island, who served from 1999 to 2009, is believed to be Nebraska's first Latino legislator.



**Steve Fowler**

According to legislative records, the youngest members to ever serve in the Nebraska Legislature were Senators Steve Fowler and Samuel Cullan. Senator Fowler was elected in 1972 and Senator Samuel Cullan was elected in 1976. Both were 22 years old at the time of their election.



**Samuel Cullan**

## Order of Succession



Similar to the order of succession for the Office of the President of the United States, the Nebraska Constitution provides a mechanism by which a new governor is appointed in cases of a vacancy. The complete order is as follows: Lieutenant Governor, Speaker of the Legislature, Chairperson of the Executive Board; Chairperson of Committee on Committees; Chairperson of Judiciary; Chairperson of Government, Military and Veterans Affairs; Chairperson of Appropriations; Chairperson of Revenue; Chairperson of Education; Chairperson of Banking, Commerce and Insurance; Chairperson of Natural Resources; Chairperson of Agriculture; Chairperson of Health and Human Services; Chairperson of General Affairs; Chairperson of Urban Affairs; Chairperson of Business and Labor; and Chairperson of Transportation and Telecommunications.