

Lawmaking in the Unicameral

An Idea. . .

The lawmaking process in Nebraska officially begins when a senator or a committee introduces a bill into the Legislature, which convenes each January. But the process actually begins much earlier—when a senator first begins to formulate ideas for new laws. An idea for a new law may be suggested by anyone: concerned citizens, special interest groups, state agencies or the governor. The idea must be introduced by a senator or committee to be formally considered by the Legislature. Committee debate and propose amendments to bills, and the full Legislature has an opportunity to debate each bill at least two times before its final passage. Senators may propose amendments to alter the bill as it moves through the legislative process.

Here are the steps a bill must take before becoming a Nebraska state law:

I. Research

First, a senator and his or her staff research a problem and study possible legislative remedies. A senator may introduce a bill to create a new law or to repeal or change an existing law. Legislators have staff available to them to help with their research projects. Much of the research is done during the period between sessions called the interim. During this time, legislative committees study a variety of issues that have been outlined in interim study resolutions passed by the Legislature.

II. Drafting

A senator brings his or her idea for a new law to a bill drafter, who works with the senator to transform the idea into the proper legal form for a bill. Unlike some states, bills introduced in Nebraska may contain only one subject.

III. Introduction

Most bills are introduced during the first 10 days of the legislative session, which begins each January. In order to introduce a bill, a senator files it with the clerk of the Legislature. The clerk reads the title of the bill into the record, assigns it a number and prints copies of it for public and legislative use.

IV. Fiscal Note

The Legislative Fiscal Office prepares budget statements estimating the anticipated change in state, county, or municipal expenses or revenue under the provisions of each bill. These statements are called fiscal notes. Each fiscal note contains three estimates. One estimate is calculated by the fiscal office staff; another is prepared by the governor's budget office; and a third is prepared by the affected state agency. In addition, the fiscal office prepares appropriation bills ("A" bills), which accompany bills that have a fiscal impact.

V. Committee Hearing

With the exception of a few technical bills, most bills introduced into the Legislature must receive a public hearing by a legislative committee. A nine-member Reference Committee determines which bills will be heard by each of 14 standing committees. At hearings, citizens have a chance to express their opinions to committee members. Testimony is recorded, transcribed and made part of the official committee record. After the hearing, committees may vote to send the bill to General File with or without amendments, indefinitely postpone (kill) the bill or take no action on it.

VI. General File

General File is the first time the full Legislature has the opportunity to debate and vote on bills. At this stage, senators consider amendments, which may be proposed by committees and by individual senators. Many people consider General File to be the most crucial stage of the legislative process because it is where most compromises are worked out through debate and amendment. It takes a majority vote of the Legislature (25 votes) to adopt amendments, and to move a bill from General File to the next stage of consideration.

VII. Enrollment and Review

Commonly referred to as “E&R,” enrollment and review is a process by which previously adopted amendments are incorporated into a bill, and the bill is checked for technical and grammatical accuracy.

VIII. Select File

Select File is the second debating and voting stage. This step allows another opportunity for amendment, compromise and reflection. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to the next stage. After Select File, bills are sent to E&R again to be rechecked. Bills then are reprinted for Final Reading.

IX. Final Reading

The Nebraska Constitution requires that before final passage, all bills must be read aloud in their entirety by the clerk of the Legislature, unless three-fifths (30 members) of the Legislature votes to waive the requirement.

A bill may not be amended or debated on Final Reading, but it may be returned to Select File for a specific amendment. Bills may not be voted on for final passage until at least five legislative days after the bill is introduced, and one legislative day after it is placed on Final Reading.

A proposed constitutional amendment requires a three-fifths vote of the elected members (30) to place it on the general election ballot and a four-fifths vote (40) to place it on a primary or special election ballot. All other bills without the emergency clause require a simple majority vote before going to the governor. A bill with an emergency clause (see “Effective Date” below) requires a vote of two-thirds (33 members) of the Legislature.

X. Governor

After the Legislature passes a bill on Final Reading, it goes to the governor for consideration. The governor has five days, excluding Sundays, to decide what to do with a bill. If the governor signs the bill or declines to act on it, the bill becomes a state law. The governor may

veto a bill, and has the authority to strike specific budget appropriations (line-item veto). The legislature may override any gubernatorial veto, although it takes a vote of 30 senators to do so.

XI. Effective Date

Most bills passed and approved by the governor become law three calendar months after the Legislature adjourns. However, bills may take effect before that date if they contain an emergency clause or a specified operative date.

... becomes a law.

Legislative Divisions

I. Clerk of the Legislature

The Clerk of the Legislature, elected by the Legislature, assists in the administrative operation of the Legislature. The clerk oversees the preservation of daily floor debate and the official papers and communications of the Legislature. The clerk publishes the daily and permanent Legislative Journal, compiles the Laws of Nebraska after each session, handles lobby registration, distributes bills to senators and the public, supervises sessional employees and oversees the use of legislative space.

II. Revisor of Statutes

The Revisor of Statutes is also the bill drafter. The revisor prepares all bills and most amendments and is responsible for form and craftsmanship. Following each legislative session, the Revisor of Statutes incorporates all enacted legislation into the Nebraska Statutes.

III. Legislative Fiscal Analyst

The Legislative Fiscal Analyst provides fiscal and management information and assistance to the Legislature and the Appropriations Committee. The work involves examining the state agencies' management and finances to improve efficiency and services.

IV. Director of Research

The Director of Research is selected by the Legislative Council to assist with legislative studies and research. In addition, the Director of Research is responsible for maintaining a reference library where a collection of materials is maintained for use by legislators and staff, and he or she conducts reviews of agencies and programs pursuant to the Legislative Performance Audit Act.

V. Ombudsman

The Office of the Ombudsman (technically known as the Office of Public Counsel) is an independent governmental office designed to receive and investigate miscellaneous complaints relating to administrative agencies of state government.

Lawmaking Process

