



## Compiling a Nebraska Legislative History

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Legislative history in Nebraska includes the introduced bill, any amendments, the introducer's statement of intent, the text of the committee's hearing, any committee action, floor debate, and the governor's veto message, if vetoed.

Nebraska has one of the better-documented legislatures among the states. This is due in large part to the simplicity of the Unicameral Legislature. There is only one chamber; therefore the job is much easier. In addition, since 1965 the legislature has recorded verbatim its committee hearings on bills. Verbatim recording of floor debate began in 1973.

The first thing to know is that there is very little legislative history before the Unicameral Legislature began in 1937. Consult the *House Journals* and the *Senate Journals* for legislative history for legislation from the Territorial Legislature and Bicameral Legislature. This would cover the years from 1855 until 1935. From 1937 to 1960, there is no verbatim record, but there are committee minutes and exhibits, some fairly complete, some sketchy or non-existent. The verbatim record is not necessarily complete in the early years following 1961, as committees did not all begin such recording at the same time, and sometimes the tape was not operating during floor debate.

The Legislative Records Historian in the Office of the Clerk of the Legislature will perform a legislative history at 15 cents per page, plus tax and postage. To request a legislative history, contact the Legislative Records Historian, Room 2014, State Capitol, Lincoln, NE 68509, (402) 471-3215.

Set forth are the steps required to compile a legislative history in Nebraska:

**Step 1:** Identify the location of the records; there are eight repositories holding the legislative records. Creighton University School of Law Library has the records going back to 1937, the beginning of the Unicameral Legislature in Nebraska.

Note that there is a twelve to eighteen-month period before the legislative records are prepared and distributed to the eight repositories. During that time, legislative history is available from the Legislative Record's Historian in the Office of the Clerk of the Legislature. The Unicameral's web site currently posts the "Introducer's Statement of Intent" and the "Committee Statement" for recent legislation. These pieces to a legislative history are available at: <http://www.unicam.state.ne.us/documents/bills.htm>. This may fill the gap during the interim period in which the records are unavailable.

**Step 2:** Identify the Legislative Bill (LB) that you want to research, if not already known. Use the indexes in the *Legislative Journal* or *Laws of Nebraska* to identify the LB number(s). LB numbers are repeated at the beginning of each new legislature. Be aware that one needs the year as well as the LB number. If obtaining the LB number from the *Revised Statutes of Nebraska* or *Revised Statutes of Nebraska Annotated*, one must know how to read the history note following the statute. For example, the history note below is for § 25-207, a statute of limitations.

R.S.1867, Code § 12, p. 395; R.S.1913, § 7569; C.S.1922, § 8512; C.S.1929, § 20-207;  
R.S.1943, § 25-207; Laws 1947, c.243, § 11, p. 766; Laws 1975, LB 481, § 9.

Note that the semicolon separates units. All the units before R.S.1943 refer to earlier codes where this language appeared. (Refer to §§ 216-225 below for information on these older codes.) These earlier codes predate 1937, so no legislative history is available. There may be something for the Laws 1947 (session laws of 1947) entry, because committee minutes may or may not appear on the microfilm, depending on whether the committee kept records. A look at the session laws for 1947, chapter 243, reveals that LB 175, § 11, changed something about § 25-207. Unfortunately, the session laws at that time did not follow the current practice of underlining new language and crossing out deleted language, so we do not know if LB 175 affected the particular language in § 25-207 in which we are interested. A complete legislative history would be available for LB 481 enacted in 1975. A glance at LB 481 in the 1975 session laws shows that a very minor change was made.

**Step 3:** Identify the committee to which the LB was referred and the hearing date. Using the example above, LB 481, Laws 1975, find the *Legislative Journal* for 1975, and go to the blue index, the "Chronology of Bills." Note that the LB was referred to the Judiciary Committee and the hearing date was Feb. 26, 1975. Important note: If the first entry for the LB in the chronology reads "Title" and not "Read first time," that means that the LB was carried over from the first session, i.e., the previous year. Look in the previous year's *Legislative Journal* to determine the committee and hearing date.

**Step 4:** Consult the committee records in microfilm. For the period 1961-1984, the records are arranged alphabetically by committee and then by the bill book (all the LB's referred to the committee) followed by the minute (hearing) book with verbatim testimony. Find the minute book(s) on the microfilm and go to the hearing date. The hearing pages are dated and numbered. Several LB's normally are heard during a committee hearing, so the hearing transcript for that day may run to several hundred pages. Generally, the LB number is given at the top of each page. Besides the hearing record, look for short (one page) committee documents, such as "Introducer's Statement of Intent," "Committee Statement," and "Executive Session Notes." There is no section-by-section analysis or large committee report similar to federal legislation.

For the period 1985 to date, the LB's and related hearings are grouped together by hearing date. The usual order on the microfilm is:

- Introduced bills
- Introducer's Statement of Intent
- Hearing transcript
- Executive Session Notes
- Committee report with any amendments
- Committee Statement for LB's voted out
- Exhibits

**Step 5:** Consult the floor debate records. Floor debate for the two-year legislature currently runs to about 14,000 pages. Floor debate is indexed only by LB number. There is no subject or senator index. The bill number index is a listing of each LB followed by a notation of the pages on which the LB was mentioned. Look for a span of pages, such as 3942-3953. Single page references usually deal with a procedural point. The bill index is located at the beginning of the debate microfilm. Some repositories have printed out a copy of the index for user convenience.

As noted above, constitutional amendments, which are proposed by the legislature in the form of a legislative resolution, can have legislative history. Locate these by using the indexes in the *Legislative Journal*. Generally, a proposed amendment, which has a hearing, will be on the ballot in the next general election.

A final note: if the hearing appears to have nothing to do with the bill being researched, the bill has been gutted.