WORKING WITH THE

BILL DRAFTING/REVISOR OF STATUTES OFFICE

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The Bill Drafting Office

The Office of Revisor of Statutes is created by section 49-701 as part of the Legislative Council. The Revisor of Statutes is appointed by and under the supervision of the Executive Board of the Legislative Council. (See section 50-401.01.)

The Legislative Council has the duty to establish and maintain a complete and efficient bill drafting service for the purpose of aiding and assisting members of the Legislature and the executive departments of the state in the preparation of bills, resolutions, and other measures and in drafting them in proper form. (See section 50-402.)

The responsibilities of the Revisor of Statutes and the Bill Drafter are combined in one office. The office is comprised of bill drafters (who are lawyers) and statute technicians under the direction of the Revisor. The statute technicians use specialized legislative software to create legislative documents and proofread the materials that are processed through the office.

Major functions of the Revisor of Statutes/Bill Drafter include:

1. Drafting legislation proposing changes to the statutes and the Constitution of Nebraska.
2. Preparing amendments to legislation.
3. Providing legal services for the Enrollment and Review (E&R) Committee.
4. Issuing a supplement volume at the end of each legislative session.
5. Publishing reissues of the permanent volumes of statutes as needed.
6. Maintaining digital files of the statutes.
7. Preparing Revisor's bills.
8. Preparing and publishing the general index to the statutes.
9. Reviewing initiative and referendum measures for form and draftsmanship.
10. Compiling an updated list of all criminal penalties after each legislative session.
11. Compiling an updated copy of the Constitution of Nebraska following each legislative session.
12. Providing staff support to the Reference Committee.
13. Writing descriptions of bills used as one-liners in referencing documents, agenda preparation, notices of introduced legislation, and other legislative documents.
14. Serving as liaison to the National Conference of Commissioners on Uniform State Laws.

This orientation document covers only the first five duties.

Matters not handled by the bill drafting office:

☞ Motions and amendments to legislative rules—prepared by the Clerk's office.

☞ Fiscal analysis, fiscal notes, and veto override analysis—provided by the Legislative Fiscal Analyst.

Drafting of Bill Requests and Amendments

The main function of the bill drafting office is drafting bill requests, constitutional amendments, resolutions, and amendments. The amount of work necessary for any particular project can vary substantially. The drafting can involve making minor changes to material supplied by a requester, writing an entire act from the requester's description of an idea, or some amount of drafting in between.

How an Idea Becomes a Bill

Each bill request goes through a series of steps designed for quality control which vary in length according to the nature of the bill request, the amount of background research performed by the requester, and the overall workload of the bill drafting office.

Requester submits idea for a bill to office	Revisor logs request into request system	Revisor assigns request to drafter based on subject	Drafter does research and drafts rough draft
Reviewer suggests changes to drafter	Revisor assigns rough draft to a second drafter for review	Technicians computerize, proof, and deliver to Revisor	Drafter gives work product to technicians
Drafter makes changes and delivers rough draft to requester	Requester reads rough draft and brings changes to drafter	Drafter incorporates changes	Requester requests 3-part (final version) for bill introduction

How to Submit a Bill Request

A requester submits an idea for a bill to the bill drafting office. The bill drafting office drafts proposals directly for senators and executive and judicial branch agencies. Proposals from constituents, lobbyists, and interest groups are drafted upon request by a senator. Ideas come in a variety of forms, including an idea from a senator, a correction from an agency, a bill from a previous year, a suggestion from a constituent, a proposal from a lobbyist, or a recommendation from an interest group.

Form and Content

A bill request may be submitted in any legible format that allows the bill drafter to clearly identify what needs to be done. The requester needs to make certain that all additions and deletions are clear to the bill drafter. **Clarity is the key**. The most basic way to submit a bill request is by delivering a photocopy or other accurate reproduction of the current statute to be amended with the additions or deletions clearly marked. If you have lengthy new language to insert, you can indicate the location for insertion and type or neatly print the language to be inserted on a separate sheet. Use of the bill request form on the UniNet may be a helpful way to submit your request. You may also email your request to draftingrequest@leg.ne.gov or to the Revisor's email. If you know the appropriate drafter you may also email them directly, though depending on workload, such drafting request may be reassigned.

Please do NOT retype or rekey a statute. It is preferable that you NOT retype the statute you are amending. Typing errors within a retyped statute cause confusion and delay the bill drafting process. Similarly, using a computer document to modify a statute can result in confusion. A bill drafter does not compare such materials word for word with the statute books. If you fail to underscore or strike through some material, it is unlikely that a bill drafter will notice your intended change. If you do retype a statute with changes or alter a statute in a computer document, please make sure that the product you receive from the bill drafting office matches your intent.

If your bill request is a bill from an earlier session, read through it before submitting it to be drafted. Some of the statutes included or referenced may need to be updated. Other changes may be needed due to the passage of time. For example, operative dates or dates for the initiation of a program or compliance with the bill's requirements almost always need updating. Intervening changes in substantive law may also affect portions of the bill. If you want particular amendments which were drafted to the bill to be included in the bill request (committee amendments or sponsor's amendments, for example), please be sure to include that information.

Similar thought should be given to a bill request based upon statutes from another state. Nebraska may have constitutional provisions or statutes prohibiting what another state authorizes. References to the other state's statutes should be looked up and the comparable Nebraska statute (if any) identified. If the statutes from another state give duties to a state agency, the appropriate Nebraska agency should be substituted. It may not be necessary to create a new agency if an existing Nebraska agency can carry out the duties.

Make a copy for yourself of everything you submit to the bill drafting office because the office keeps what is submitted for its files. You may want to maintain a list of bill requests you have submitted to be drafted. The bill drafting office can provide you with the bill request number and the name of the bill drafter assigned to each bill request as this information becomes available.

Checklist of Necessary and Helpful Information

- Name of requesting senator or agency
- Staff member's name
- Telephone number or email for questions
- Most current version of statute
- Any relevant case law
- Other states' statutes
- Keep copies

Drafting Tips Applicable to All Bill Requests

When you submit a bill request, please include or describe any factors influencing the bill request, such as relevant court cases, Attorney General Opinions, administrative interpretations, and sources of other statutes used as models. If the bill request was prepared by someone else and you would like questions directed to that person, supply such person's name and contact information. All of this information is helpful in case the bill drafter notices possible errors, finds additional statutes which need to be amended, or has other questions.

Please be sure to use the most current version of the statute you want to change. One way you can do this is to check the supplement volumes to see if the section has been amended since the reissue volume was printed.

References to provisions in the Constitution, statutes, rules, and court decisions which affect drafting legislation are found in Appendix II.

Abbreviations generally are not used in the text of statutes unless they are part of a proper name or legal citation and are generally not used elsewhere in a legislative bill. An exception to this general rule has been made for subjects known by an abbreviated term, such as AIDS or WIC. Use of even a well-known abbreviation is discouraged, however, and if used, a definition should be provided.

Tips regarding language style are found in Appendix I.

With respect to statutory citations, such as federal laws or regulations, please provide the complete and most current citation, and the bill drafter will put it into proper form.

The bill titles, the boilerplate language (e.g., “Section 28-101, Revised Statutes Supplement, 2025, is amended to read:”), and the repealer clauses in your bill request will be prepared by the bill drafter. If you want to include a severability clause, an emergency clause, or an operative date, please indicate that in the bill request.

Section numbers for new statutes are not assigned until after a bill passes, and they are not included in the bill request. However, if you have a suggestion for the placement of new statutes or the transfer of existing statutes, let the bill drafter know.

Catchlines are not written for new statutes or revised for amended statutes until after a bill passes and thus are not included in the bill request and you do not need to write them.

The Uniform Commercial Code is an exception to the rule; the statute numbers and catchlines are provided and revised in the proposed legislation and are enacted as part of the law.

Delivery

You can give your request to any bill drafter in person, over the phone, or by email. Requests for bills and resolutions are processed in the order received so your bill request will be assigned the next available request number. You can ask to speak to the drafter who will be assigned the draft or ask to have the drafter call you. You may ask for a specific bill drafter to work on your bill request, but, due to time constraints and workload, that may not be possible.

When to Submit a Bill Request

Earlier is better for submitting requests. The earlier a bill request is submitted, and the better researched, thought out, and prepared it is, the more likely it is that a bill drafter will be able to produce the result you want in a timely fashion. Bill requests can be submitted at any time, even right after adjournment of the previous session. For especially large or complex bill requests, submitting the request in the summer or fall provides more time for thoughtful drafting. If you need a working draft on short notice, you may want to consider circulating your own summary of the idea before requesting a formal draft.

Deadlines:

- **December 31 for state agencies**. Legislative Rule 5, section 1, prohibits any bill from being drafted by the bill drafting office after January 1 unless requested or authorized by a member of the Legislature. This means that state agencies must submit bill requests by December 31.

- **First ten legislative days:** Legislative Rule 5, section 4(c), requires that most bills be introduced in the first ten days of the legislative session.

- **Executive Board deadline:** With respect to drafting bills, while there is no deadline in the legislative rules for the submission of requests to be drafted, there comes a point past which the physical production of a bill by the time of adjournment on the tenth legislative day is impossible. Therefore, the Executive Board of the Legislative Council usually adopts a deadline for the submission of bill requests to the bill drafting office. The deadline is usually one or two legislative days before the tenth legislative day in order to allow for all bill requests to be completed in a timely fashion.

The Bill Drafter

- **Is an attorney who has knowledge of technical requirements for legislation**
- **Has assigned areas of interest**
- **Is a resource for drafting legislation**

A bill drafter is a lawyer who has knowledge of the technical requirements for legislation, awareness of some of the lesser-known considerations related to changing state law, and a general familiarity with the subjects covered by the United States Constitution, the Constitution of Nebraska, and the state statutes.

While each bill drafter works in all areas of the law, he or she also has certain areas of interest (see Appendix III for a list of each bill drafter's areas of interest). A bill drafter is not, however, an expert in any given subject matter, nor does he or she have the time or the resources to become an expert.

Each bill drafter works closely with the requester to try to produce the best legislation possible, but because the legislation belongs to the requester, any policy decisions regarding legislation are the responsibility of the requester and ultimately of the Legislature.

Confidentiality

Information concerning your requests for bills, amendments, or resolutions will not be shared with anyone without your permission. Each drafting request is considered confidential and is discussed only with the person who submits the drafting request, his or her staff, and persons authorized by the requester.

If, at a later time, you share the drafting request or pass it on to someone else, please let the bill drafting office know. Otherwise, the office will refuse to even acknowledge to the other person that such a drafting request was received or to make any changes submitted by that person to the bill request until your permission has been obtained.

Even after a bill, amendment, or resolution has been introduced, certain topics remain confidential, such as who may have actually requested the legislation and what alternatives were considered and rejected during the drafting process.

Impartiality

A bill drafter treats all drafting requests with impartiality. Factors such as the requester, the subject matter, and whether the idea is likely to pass or even to be introduced do not affect the quality of the bill drafter's work, unless the requester specifically asks that little time be spent on the project or otherwise authorizes lesser quality efforts. Personal opinions and thoughts are not expressed in a draft, nor will a bill drafter use a drafting request to promote personal interests. Policy matters belong to the requester, as does the need for the legislation.

The Rough Draft

After your bill request has been reviewed in our office, a copy is delivered to your office, either via email or hand delivery.

REQ 1234 REQ 1234
MLU - 01/09/2026 MLU - 01/09/2026

LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL

Introduced by
Read first time
Committee:

A BILL FOR AN ACT relating to state holidays; to provide for bill drafter's day; and to create a fund.

Be it enacted by the people of the State of Nebraska,

-1-

The two lines at the top contain identifying information. In this example, the number of the bill request is (1234) and it was drafted by the bill drafter whose initials are MLU. The month (01) and day (09) indicate that the request was last changed on that date. If you have more than one version of a draft, you can use the dates to tell which copy is the most recent version. If you have any questions about the rough draft, please don't hesitate to ask.

The rough draft you receive should be used to iron out problems with your bill request. After you review the draft, you may want to have others review it as well, including affected constituents and lobbyists and state or local agencies. The bill drafting office will revise your rough draft and give you a new rough draft as many times as you want, but you should realize that revisions are competing for time with original bill requests from other requesters. The office policy is to provide each requester with a bill request for introduction, even if it is in relatively rough form, rather than give some requesters "perfect" bills and other requesters no bills.

The Three-Part (copies for bill introduction)

You may request a three-part by contacting the bill drafting office. It is not necessary to return your rough draft unless you have some final changes you want made before the three-part is run. If you are requesting a three-part of a bill request which was drafted for someone else, the bill drafting office will need the permission of the original requester before running the three-part.

All changes in a bill request should be made to the rough draft. Once you have notified the bill drafting office that the rough draft is ready for three-part, no further changes should be requested. If changes are necessary to a three-part, you will need to return all the copies you received.

The senator who is introducing the bill must sign the signature sheet attached to the ORIGINAL copy, the DUPLICATE ORIGINAL copy, and the FISCAL ANALYST copy.

These copies are then given to the Clerk of the Legislature who assigns the bill number. This constitutes the introduction of the bill.

Amendments

Committee amendments and “major” amendments must be approved as to form and draftsmanship by the Bill Drafter (Legislative Rule 3, section 17(c), and Legislature Rule 5, Section 1). However, it is a good idea to bring ALL amendments to the bill drafting office so they can be computerized. This helps keep the chamber computer system current, helps Journal clerks prepare the Journal, and helps the Enrollment and Review (E&R) staff incorporate the amendments into the Final Reading copy.

You can give your amendments to the bill drafter who drafted the bill or to any bill drafter if you are not sure who drafted the bill (The Revisor can always help get an amendment to the appropriate drafter). Amendments, like bill requests, are generally processed in the order in which they are received. However, an amendment for a bill on the floor takes priority.

The best way to submit amendments is to mark up the most current version of the bill or amendments showing the changes desired. If the language to be inserted is lengthy, put it on a separate sheet of paper. The bill drafter will put the changes into the correct form. Marking the bill or amendment is much easier for you and the bill drafter than if you write the amendment in amendment form.

When preparing amendments, it is wise to read through the entire bill to see if any harmonizing changes are necessary. For example, a change in the number of members on a board may require corresponding changes with respect to qualifications, appointment procedures, and quorum requirements. Previously adopted amendments should also be taken into account and amended if necessary and pending committee amendments should be checked.

If you are planning to propose amendments to a bill at the time of the public hearing, you are encouraged to bring them to the bill drafting office to be drafted and computerized prior to the hearing. Once a committee has adopted amendments, it is difficult to resolve further questions or to add harmonizing statutory changes.

In general, the bill drafting office does not redo amendments; rather, each new version of an amendment is given a new number to avoid confusion. Confusion results if an amendment has been changed but the earlier version is handed to the clerk, either intentionally or unintentionally. The latest version is the version in the bill drafting software, and the version in the bill drafting software is the version that will show up on the bill status on the Legislature’s web site and in the journal.

An amendment can strike the original sections and replace them with rewritten or modified sections (white copy amendment) or change material on specific pages and lines (page and line amendment). A "white copy amendment" incorporates any changes into the bill so that it reads as it would were the amendment to be adopted whereas a "page and line amendment" specifically shows where changes are being made but does not read as it would were the amendment to be adopted. If a requester does not specify what type of amendment is desired, a drafter will make a choice based on what such drafter's thinks is best for that specific amendment.

The top of the amendment shows the same information as the top of the rough draft of a bill request:

AM1010 LB901 MLU - 02/29/2026	AM1010 LB901 MLU - 02/29/2026

AMENDMENTS TO LB901

Strike the original sections and insert the following new section:

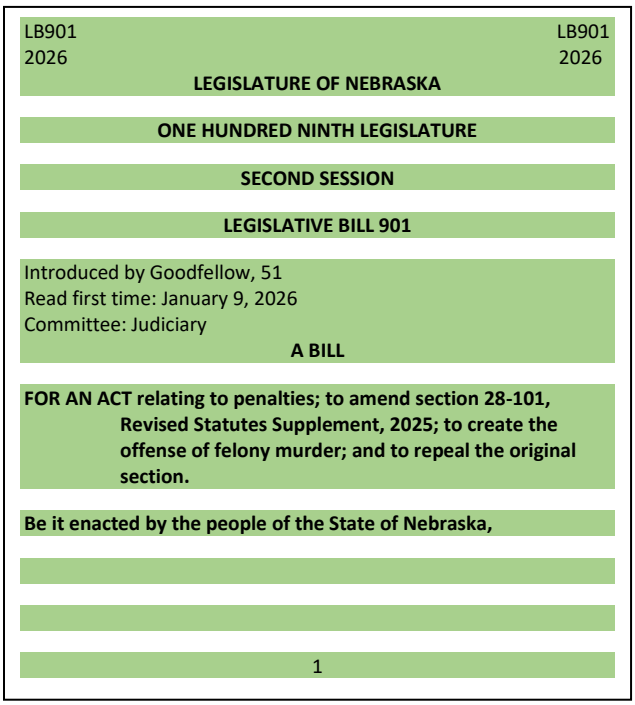
Section 1. Drafter's day shall be recognized on February 29.

This information tells you the number of the amendment (1010), the bill to which it applies (LB901), the initials of the bill drafter who drafted it (MLU), and the month (02), day (29), and year (2026) the computer file was last changed.

Codification

The bill drafting office codifies newly enacted legislation after each session (section 49-702). The codification process involves assigning section numbers, writing catchlines (which are not part of the law), and making source notes for new sections of law. For amended sections, catchlines and source notes are updated. The bill drafting office also adds cross references and notes as needed, updates numerous office documents used in drafting or codification, and correlates sections amended by more than one bill (sections 49-769 and 49-770).

Section to Statute Illustration



LB901 2026 LB901 2026

LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 901

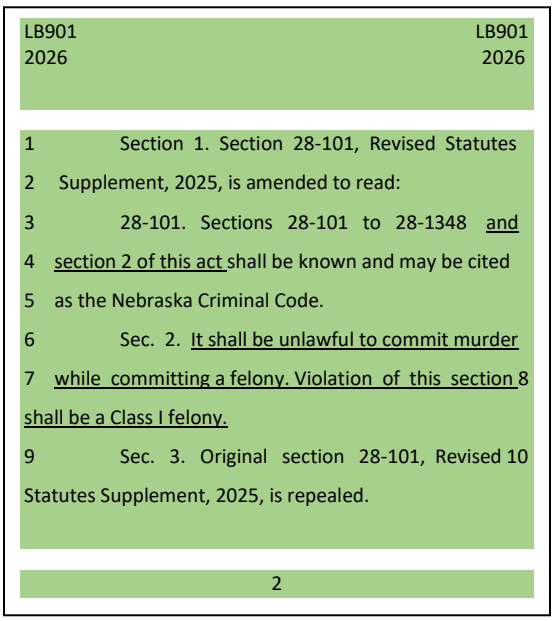
Introduced by Goodfellow, 51
Read first time: January 9, 2026
Committee: Judiciary

A BILL

FOR AN ACT relating to penalties; to amend section 28-101, Revised Statutes Supplement, 2025; to create the offense of felony murder; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

1



LB901 2026 LB901 2026

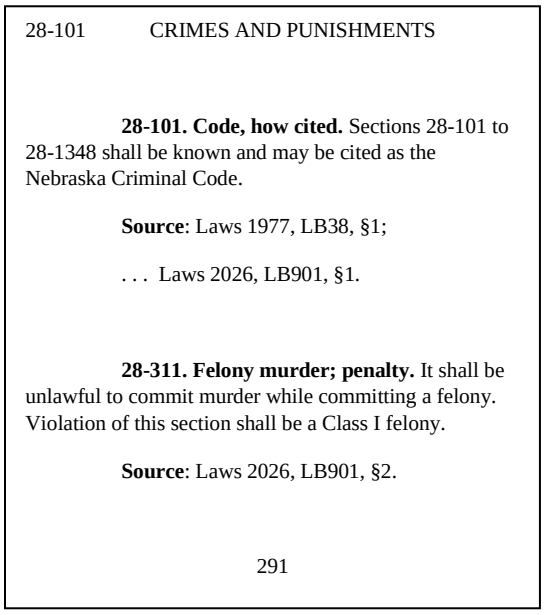
Section 1. Section 28-101, Revised Statutes Supplement, 2025, is amended to read:

28-101. Sections 28-101 to 28-1348 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. It shall be unlawful to commit murder while committing a felony. Violation of this section shall be a Class I felony.

Sec. 3. Original section 28-101, Revised Statutes Supplement, 2025, is repealed.

2



28-101 CRIMES AND PUNISHMENTS

28-101. Code, how cited. Sections 28-101 to 28-1348 shall be known and may be cited as the Nebraska Criminal Code.

Source: Laws 1977, LB38, §1;

. . . Laws 2026, LB901, §1.

28-311. Felony murder; penalty. It shall be unlawful to commit murder while committing a felony. Violation of this section shall be a Class I felony.

Source: Laws 2026, LB901, §2.

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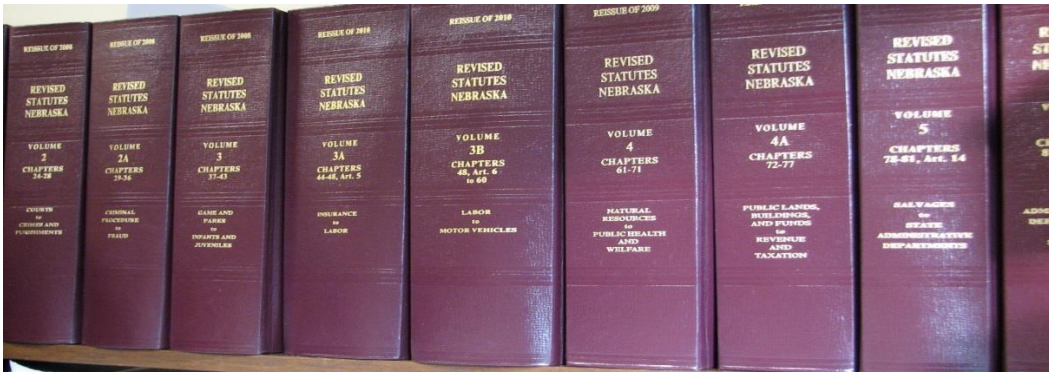
Publication of Permanent Volumes of the Revised Statutes, Supplements, and the General Index

Periodically during the interim between legislative sessions, the bill drafting office reissues volumes of the Revised Statutes of Nebraska. Reissuing a volume involves reading all sections of law and annotations, searching all internal references within the statutes, and checking other material prepared by the bill drafting office (catchlines, cross references, etc.). The reviewed volume goes to the printer who formats the material and sends back proof. Statute technicians and bill drafters check the proof for errors.

In *even-numbered years*, the bill drafting office prepares a cumulative supplement which contains all sections amended since the last reissue of each hardbound volume of the statutes. In *odd-numbered years*, the bill drafting office prepares an annual supplement which contains only the material passed by the Legislature in its most recent session (including any special sessions).

In *odd-numbered years*, the bill drafting office reissues the General Index. A supplemental index to newly enacted and amended laws is included in the cumulative supplement in *even-numbered years*.

The State Law Library handles the sale and distribution of the statute books and index. The bill drafting office sells or licenses computer files of the statutes to several companies pursuant to policies adopted by the Executive Board of the Legislative Council.



Legislative Resolutions Treated as Bills

Certain resolutions are prepared and processed in generally the same way as bills.

Proposed Amendments to the Constitution of Nebraska

Constitutional amendments are proposed by resolution instead of legislative bill, but the legislative process is generally the same as bills. It is not necessary for you to include any standard language which will appear in the resolution. The drafter will supply it.

To submit a request for a constitutional amendment, use the same process as for the submission of a bill request. Copy and mark the changes on the appropriate section of the Constitution or submit the text and suggested placement for a new section.

Resolutions Directed to Congress

Memorializing Resolutions

Occasionally, the Legislature will use a memorializing resolution to ask Congress to propose an amendment to the United States Constitution. The drafting request form on the UniNet may be used for this type of resolution. A memorializing resolution is treated like a bill and is referred to a committee for a public hearing, so the form is modified by the bill drafting office to include lines to indicate the date of introduction and the committee assignment (Legislative Rule 4, section 2).

Ratifying Resolutions

The Legislature may also use a resolution to ratify or reject a proposed amendment to the United States Constitution. Under Article V of the United States Constitution, before a proposed amendment to the constitution is valid, it must be ratified by the “Legislature of three fourths of the several States.” A resolution which proposes the ratification or rejection of an amendment to the United States Constitution is also treated like a bill (Legislative Rule 4, section 2). The drafting request form on the UniNet may be used for this type of resolution with the same modifications as described for memorializing resolutions.

Other Legislative Resolutions

Please bring resolutions to the bill drafting office so they can be entered into the legislative computer system and have the necessary signature sheets attached. This assists in preparing the Legislative Journal.

Interim Study Resolutions

A resolution calling for an interim study may be requested using the form on the UniNet or emailed like a bill request. The general purpose of the interim study should be stated and a committee suggested (Legislative Rule 4, section 3). The Legislative Journals from prior years have many examples.

Congratulatory and Other Similar Resolutions

A resolution congratulating a sports team or expressing sympathy due to a death or any other type of similar resolution may be requested using the form on the UniNet or emailed like a bill request. The reasons for the resolution are placed in the “WHEREAS” clauses and the Legislature’s sentiment and any instructions to the Clerk of the Legislature concerning distribution of the resolution are specified in the “RESOLVED” list (Legislative Rule 4, sections 1 and 5). Examples of this type of resolution can also be found in the Journal, or you can consult the bill drafting office for help with wording and content. If you have specific supporting documents (news articles/links etc..) for your resolution please submit those with your request, they can be helpful to the drafter.

Enrollment and Review (E&R)

The Enrollment and Review Committee is a select committee of the Legislature composed of one member (see Legislative Rule 3, section 4(a)). Legal services for this committee are provided by the bill drafting office (see Legislative Rule 3, section 4(d)(ii)).

After a bill request or constitutional amendment has been introduced, referred to a committee, and advanced by the committee to General File, it must advance through three stages of debate in order to be enacted into law. At each stage of advancement (General File to Select File and Select File to Final Reading), a bill or constitutional amendment is advanced to E&R and is reviewed by the bill drafting office to incorporate amendments and check for errors and conflicts with other bills.

When a bill is advanced from General File (the first stage of consideration by the entire Legislature), it goes to E&R Initial (or E&R for Review). If advanced from the second stage of consideration, Select File, a bill goes to E&R Final (or E&R for Engrossing) before being advanced to Final Reading.

During E&R Initial, the bill drafting office reviews each bill that advances and makes recommendations on arrangement, phraseology, and correlation. The office also amends the title. These recommendations are proposed to the Legislature in the form of E&R amendments. The chairperson of the E&R Committee has the duty to make a motion to adopt these amendments when the bill is considered on Select File.

A bill advanced from Select File to E&R Final is again reviewed for needed technical corrections; however, these changes are incorporated into the bill and reported to the Legislature after the fact in an E&R Statement.

During E&R Final, the statute technicians incorporate all adopted amendments into the bill using the bill drafting software. The statute technicians prepare both a Final Reading copy and an engrossed copy. The Final Reading copy shows the bill as changed by the adopted amendments. In the engrossed copy, the stricken matter and underscoring for new text have been removed.

The bill drafters review both the Final Reading and the engrossed copies before they are reported back to the Legislature for Final Reading.

The engrossed copy is the version read by the Clerk of the Legislature during Final Reading and delivered to the Governor if the bill passes.

If a bill is returned from Final Reading for a specific amendment, but the amendment is not adopted, the bill may be readvanced to Final Reading without going through E&R. If the amendment is adopted, the bill is again advanced to E&R Final for review by the bill drafting office, and the office prepares a second version of the Final Reading and engrossed copies of the bill. This process is repeated for each specific amendment adopted after the bill has been reported to Final Reading.

The types of amendments recommended by E&R under the category of “arrangement, phraseology, and correlation” are changes such as the following, made in response to adopted amendments or errors in the original bill:

- Renumbering sections
- Modifying the list of sections in the title and repealer
- Adding or deleting a repealer
- Modifying the title
- Modifying earlier E&R amendments
- Correcting references to the volume in which a section is found
- Modifying punctuation and grammar
- Correcting the name of an agency, officer, fund or other entity with an official title
- Removing sections and making related changes when all amendatory matter has been removed

If two or more adopted amendments are in conflict, the general rule is that the one adopted later prevails as being the more recent expression of legislative intent. If two or more amendments call for text to be inserted at the same location, E&R will try to give effect to all, rather than inserting only the subsequent amendment or inserting the first followed by the others without regard to the resulting wording.

Appendix I

Language Style

(1) The meaning of statutes should be clear and easily understood.

(2) Use simple sentences.

(3) Be brief, but not to the extent that clarity is lost.

(4) Use the active voice in sentences:

Active voice: The commission shall mail a notice by first-class mail to the parties within fifteen days after issuance of the order.

Passive voice: A notice shall be mailed by first-class mail by the commission to the parties within fifteen days after issuance of an order.

(5) Provisions should generally be stated in the present tense:

Present tense: The penalty for any violation of this section is one hundred dollars.

Future tense: The penalty for any violation of this section shall be one hundred dollars.

Also note that this sentence uses “shall” to indicate a future occurrence. In the statutes, “shall” should be used to indicate a command.

(6) Provisions should generally be stated using the singular instead of the plural.

(7) Use common words, avoiding technical terms or “legalese.” However, terms of art should be used if they are appropriate.

(8) Use the common meanings of words. Strained meanings for words, even if precisely defined in the statutes, may lead to confusion or misinterpretation.

(9) Avoid redundant phrases.

Examples: Null and void; full and complete; true and correct.

(10) Use only necessary words. Courts attempt to give meaning to all words in a statute. There shouldn’t be any unneeded words.

(11) Avoid using archaic terms.

(12) Be consistent in your choice of words, both in your bill and throughout the law. Check to see what terms are already used in the statutes, the constitution, or the rules.

(13) Do not use provisos.

An application for a concealed weapon shall be approved PROVIDED that the applicant has not been convicted of more than five homicides.

(14) If possible, express provisions positively rather than negatively.

Positive: The commission shall approve a renewal application if the application is complete and the applicant has not been convicted of any crime.

Negative: The commission may not reject a renewal application if the application is complete and the applicant has not been convicted of any crime.

(15) Use gender neutral terms.

(16) Use the structure of the statutes to assist you. A sentence that is lengthy or difficult to follow may be made clear through the proper use of subdivisions in the statutes.

(17) Certain words should be used for specific purposes in statutes (see sections 49-801, 49-801.01, 49-802, 49-804, 49-805, 49-805.01, and 49-806 for definitions and statutory construction information applicable to all statutes):

(a) “Shall” presumes a mandatory or ministerial action, i.e., a command.

A common problem in legislative drafting is that the word “shall” is often used to indicate a legal result rather than a command. This is known as a “false imperative.” Until recently, the Nebraska statutes were written in the false imperative tense. Now the present tense is used for new statutes and in major revisions of old language.

False imperative: The advisory committee shall consist of the director of the office of planning, the director of the personnel division, and the director of the department.

Alternative: The advisory committee consists of the director of the office of planning, the director of the personnel division, and the director of the department.

Or: The members of the advisory committee are the director of the office of planning, the director of the personnel division, and the director of the department.

(b) “May” indicates a permissive or discretionary action.

(c) “And/or” is not used in the statutes. The disjunctive “or” includes the conjunctive “and” and should be used instead of “and/or”. See Klecan v. Schmal, 196 Neb. 100, 241 N.W.2d 529 (1976); Drummond v. City of Columbus, 136 Neb. 87, 285 N.W.109 (1939).

Appendix II

Constitutional, Statutory, Case Law, and Other Provisions Related to Bill Drafting

General provisions related to legislative bills are found in the Constitution of Nebraska, the statutes, case law, and the rules of the Legislature.

Constitutional Provisions on Style and Format of Bills

Article III, section 13, of the Constitution of Nebraska provides that the style of all bills is "Be it enacted by the people of the State of Nebraska," and that no law may be enacted except by bill.

Article III, section 14, provides that no bill can contain more than one subject and that the subject of the bill must be clearly expressed in the title. Also, no law may be amended unless the new act contains the sections as amended and the original sections are repealed.

Article III, section 22, requires that bills making appropriations for the pay of members and officers of the Legislature and for the salaries of the officers of the government not contain any provision on any other subject.

Article III, section 27, provides that no act may take effect until three calendar months after the adjournment of the session at which it passed unless, in case of an emergency to be expressed in the preamble or body of the act, the Legislature, by a vote of two-thirds of all members elected, otherwise directs. Traditionally, any declaration of an emergency is included in both the title and in the last section of the bill.

Substantive Constitutional Provisions

Both the United States Constitution and the Constitution of Nebraska should be checked for substantive requirements or prohibitions related to the subject matter of the bill or amendment. Some of the more frequently applicable provisions are listed below. This is not intended to be a comprehensive list.

Regulation of interstate commerce, U.S. Constitution, Article I, sec. 8

Impairment of contracts, bills of attainder, ex post facto laws, U.S. Constitution, Article I, sec. 10

Privileges and immunities, U.S. Constitution, Article IV, sec. 2; Fourteenth Amendment

Federal supremacy, U.S. Constitution, Article VI

Religion, press, speech, assembly rights, U.S. Constitution, First Amendment; Neb. Const. Art. I, sec. 4, 5, and 19

Right to bear arms, U.S. Constitution, Second Amendment; Neb. Const. Art. I, sec. 1

Unreasonable searches and seizures, U.S. Constitution, Fourth Amendment; Neb. Const. Art. I, sec. 7

Due process and equal protection, U.S. Constitution, Fifth and Fourteenth Amendments; Neb. Const. Art. I, sec. 3

Just compensation for public taking of property, U.S. Constitution, Fifth Amendment; Neb. Const. Art. I, sec. 21

Jury trial rights, U.S. Constitution, Sixth and Seventh Amendments; Neb. Const. Art. I, sec. 6

Separation of powers; delegation of legislative authority, Neb. Const. Art. II, sec. 1

Prohibition on local or special laws, Neb. Const. Art. III, sec. 18

Fines, penalties, and license money allocated to the common schools, Neb. Const. Art. VII, sec. 5

Uniformity of taxation, Neb. Const. Art. VIII, sec. 1

State indebtedness, Neb. Const. Art. XIII, sec. 1

Lending the credit of the state, Neb. Const. Art. XIII, sec. 3

Statutory Provisions

Section 49-801 provides definitions of a number of terms for use in the statutes. General rules for the construction of statutes are listed in section 49-802. Provisions for the construction of references to section numbers which are amended or repealed are found in section 49-806.

Requirements for an appropriation to be considered valid are found in sections 49-804, 49-805, and 49-805.01.

Provisions relating to the repeal of statutes are found in sections 49-301 to 49-303.

Case Law

For cases discussing titles and the one-subject requirement for bills, see Jaksha v. State, 241 Neb. 106, 486 N.W.2d 858 (1992); Aschenbrenner v. Nebraska Public Power District, 206 Neb. 157, 291 N.W.2d 720 (1980); State ex rel. Douglas v. Gradwohl, 194 Neb.

745, 235 N.W.2d 854 (1975); Blackledge v. Richards, 194 Neb. 188, 231 N.W.2d 319 (1975); Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 43 N.W.2d 174 (1950).

The use of "and/or" was discouraged by the Nebraska Supreme Court in Klecan v. Schmal, 196 Neb. 100, 241 N.W.2d (1976); Drummond v. City of Columbus, 136 Neb. 87, 285 N.W. 109 (1939).

In re Tetherow's Estate, 193 Neb. 150, 226 N.W.2d 116 (1975), held that if one statute refers to another and incorporates it and the incorporated statute is subsequently repealed, the repealed statute remains in force so far as the incorporating statute is concerned.

Adoption of federal law by reference has been the subject of litigation. In Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935), the Nebraska Supreme Court held that future changes in federal law cannot be adopted by reference. However, future changes in federal tax law may be adopted by reference because of the special constitutional authorization, see Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967).

When drafting provisions relating to delegation of legislative authority consider Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960).

Statutory punitive damages are prohibited in Nebraska as a violation of Article I, section 3, and Article VII, section 5, of the Constitution of Nebraska. See Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960); Sunderland Bros. Co. v. Chicago, B. & Q. Railroad Co., 104 Neb. 310, 177 N.W. 156, 104 Neb. 322, 179 N.W. 546 (1920).

The following cases deal with the severability and inseverability of provisions of legislative bills: Robotham v. State, 241 Neb. 379, 488 N.W.2d 533 (1992); Bahensky v. State, 241 Neb. 147, 486 N.W.2d 883 (1992); State ex rel. Spire v. Strawberries, Inc., 239 Neb. 1, 473 N.W.2d 428 (1991); Natural Gas Pipeline Co. of America v. State Bd. of Equalization and Assessment, 237 Neb. 357, 466 N.W.2d 461, (1991); Ewing v. Scotts Bluff County Board of Equalization, 227 Neb. 798, 420 N.W.2d 685 (1988); Linn v. Linn, 205 Neb. 218, 286 N.W.2d 765 (1980); Hubbell Bank et al. v. Bryan, 124 Neb. 51, 245 N.W. 20 (1932).

For cases discussing separation of powers, see State v. Jones, 248 Neb. 117, 532 N.W.2d 293 (1995); State ex rel. Stenberg v. Murphy, 247 Neb. 358, 527 N.W.2d 185 (1995); Duff v. Clarke, 247 Neb. 345, 526 N.W.2d 664 (1995); State ex rel. Spire v. Conway, 238 Neb. 766, 472, N.W.2d 403 (1991).

When drafting amendments, one should keep in mind that an amendment that is not germane to the original bill, but still complies with the one-subject requirement for bills, must be before the Legislature for five legislative days as required by the Nebraska Constitution. See Nebraskans for Independent Banking v. Omaha National Bank, 423 F. Supp. 519 (D. Neb. 1976).

For references to cases regarding the submission of legislative bills by the Legislature to the people for approval, see the following Opinions of the Attorney General: Op. Att'y Gen.

#65046 (1965)(option not given to Legislature to refer laws to the people); Op. Att'y Gen. #79021 (1979)(question of amending current statute placed on statewide ballot, results would not be binding on Legislature); Op. Att'y Gen. #80247 (1980)(referendum may be initiated only by the people); Op. Att'y Gen. #92056 (1992)(matter submitted to people by Legislature, election held without affirmative constitutional or statutory authority).

Provisions Contained in the Legislative Rules

The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature. Legislative Rule 5, section 1.

A bill shall be designated as Legislative Bill _____. Legislative Rule 5, section 2(a).

No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed. Legislative Rule 5, section 2(b).

An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution. Legislative Rule 5, section 2(c).

No bill shall be introduced after the tenth legislative day of any session, except:

"A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time. Legislative Rule 5, section 4(c).

A standing committee or special committee may request that the Legislature consider introduction of a bill. Legislative Rule 5, section 4(c).

Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Legislative Rule 5, section 4(d).

No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter. Legislative Rule 3, section 17(c).

A resolution shall be designated as Legislative Resolution _____. Legislative Rule 4, section 1.

Appendix III

Bill Drafters' Areas of Interest

McClurg, Marcia M. (MMM)

Appropriations
Constitutional Amendments
Elections and Campaigns
Funds
Health
Legislature
Liquor
Probate Code
Redistricting
Regulation of Health Professions

Conroy, Andrew J. (AJC)

Cannabis
Civil Liability/Procedure
Civil Rights
Courts
Corrections
Criminal Law and Procedure
Evidence
Firearms
Indian Affairs
Juvenile Code
Labor
Law enforcement
Legislature
Liquor
Mental Health
Regulation of Professions
Tobacco
Trade Practices

Uher, Micah L. (MLU)

Accountability and Disclosure
Banks and Banking
City, County, and State Government
Civil Rights
Courts
Economic Development
Education
Elections
Family Law
Firearms
Indian Affairs
Insurance
Juvenile code
Labor
Legislature
Motor Vehicles
Military and Veterans
Natural Resources
Telecommunications
Revenue and Taxation
Water

Barry, Tammy T. (TTB)

Administrative Procedure
Constitutional Amendments
Consumer Protection/Monopolies
Education
Legislature
Lottery Funds
Postsecondary Education
Property Tax
Revenue and Taxation
School Finance
State Department of Education
Trade Practices

Blazek, Loguen P. (LPB)

Arts
Education
Electrical
Fireworks
Gambling and Gaming
Game and Parks
Intellectual Property
Insurance
Legislature
Libraries
Liquor
Museums
Music Licensing
Nebraska Arts Council
Regulation of Professions
Telecommunications
Tobacco

Conzemius, Quinn N. (QNC)

Banks and Banking
City, County, and State Government
Corporations and other Companies
Insurance
Interest, Loans, and Debt
Legislature
Liens
Natural Resources
Oils, Fuels, and Energy
Public Power
Public Service Commission
Real Property
Revenue and Taxation
Trade Practices
Telecommunications
Uniform Commercial Code
Urban Affairs
Water, Energy, and Environment

Pernicek, Matthew J. (MJP)

Accountants
Agriculture
Appropriations and Budget
City and County Government
Corporations
Economic Development
Eminent Domain
Energy and Environment
Evidence
Food
Funds
Game and Parks
Highways and Bridges
Insurance
Veterans
Motor Vehicles
Natural Resources
Nebraska State Historical Society
Probate Code
Retirement
Telecommunications
Transportation
Uniform Commercial Code

McNeil, Dana L. (DLM)

Administrative Procedure Act
Aged, Blind, and Disabled Program
Child care
Child welfare
Child Support Enforcement
Children's Health Insurance Program
Commercial Health Insurance
Developmental Disabilities
Health and Human Services
Health Care Facility Licensure Act
Medicaid
Medicare Supplement Insurance
Uniform Credentialing Act

Hairston, Josh N. (JNH)

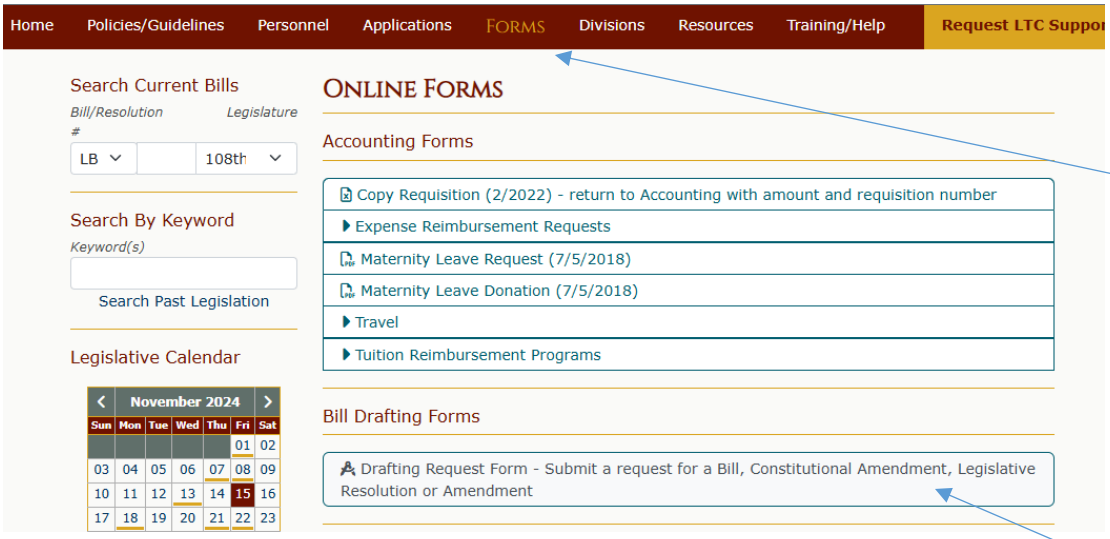
Accountability and Disclosure
Agriculture
City, County, and State Government
Civil Rights
Elections and Campaigns
Game and Parks
Legislature
Lottery and Other Gaming
Military and Veterans
Natural Resources
Public Power
Public Service Commission
Retirement
Telecommunications
Transportation
Urban Affairs
Water

Odabasi, Cynthia O. (CSO)

Administrative Procedure
Agriculture
Child Support Enforcement
Energy
Environment
Hazardous Waste
Litter Reduction and Recycling
Music Licensing
Natural Resources
Oils and Fuels
Pollution
Professional Licensure
Public Health
Recreation/Game and Parks
Revenue and Taxation
State Government/Contracting
State Lottery and Charitable Gaming
Water

Appendix IV

Electronic Drafting Request Form



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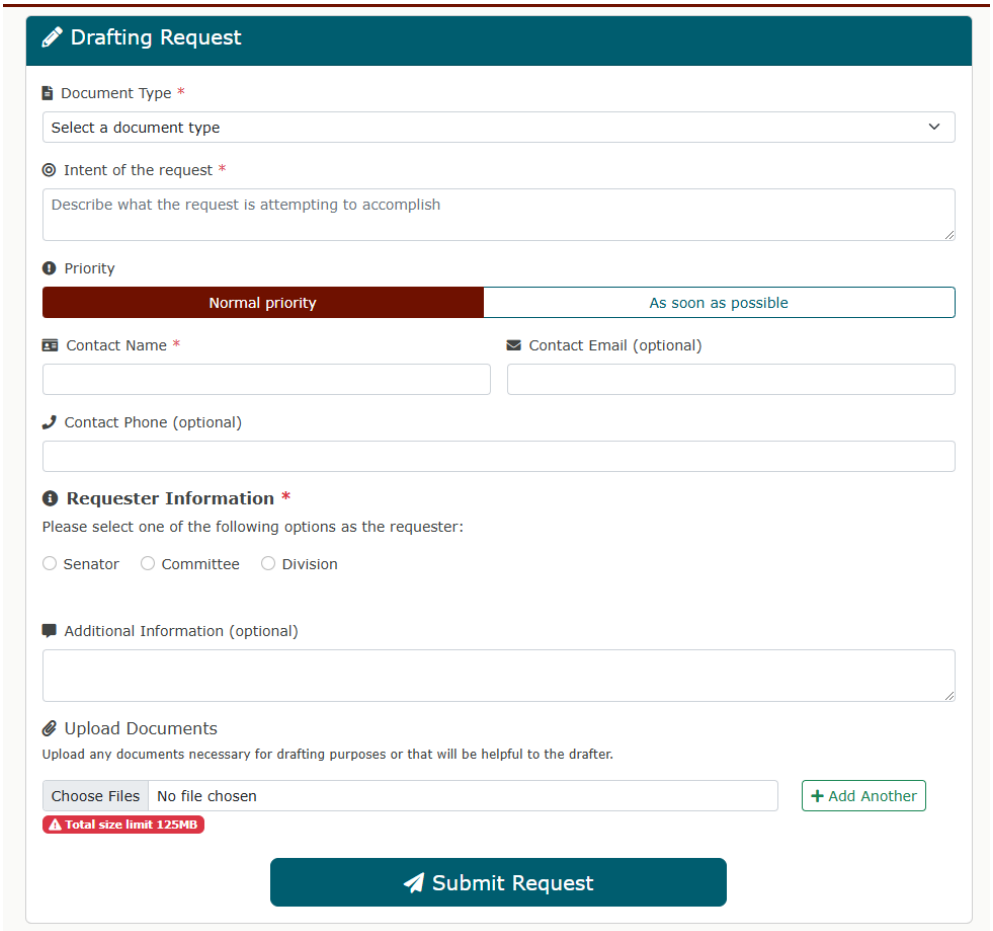

Click here to bring up the Drafting Request Form

Fill out and Submit Form