

Nebraska State Legislature

JIM SCHEER
Senator

SPEAKER OF THE LEGISLATURE

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MEMORANDUM

TO: Colleagues, Staff and Interested Persons

FROM: Speaker Jim Scheer

RE: 2020 Legislative Scheduling and Floor Procedures

DATE: November 22, 2019

A handwritten signature in black ink, appearing to be 'JS', with a date '11/19' written next to it.

As we prepare for the 2020 Session, I want to reacquaint everyone with how I will handle certain procedural motions under our current rules and announce how I will handle the carry over bills which were designated last year as a 2019 priority.

First, I want to let you know I intend to follow the same practices I have utilized during the last three years for handling certain procedural motions under our rules.

With respect to cloture motions, it is my intention to rule that a cloture motion is in order after 6 hours of debate on general file, 3 hours of debate on select file, and one and a half hours of debate on final reading unless I discern that full and fair debate has occurred sooner, in which case I will entertain a motion for cloture earlier than the 6-3-1.5 time thresholds. I will make that determination in consultation with the principal introducer and the members of the Legislature in opposition to the bill based upon the quality of debate and the number of members participating in the debate.

If a motion for cloture fails, I intend to consider the bill finished for the year, unless the bill is subsequently designated as a 2020 priority bill.

Additionally, I intend to continue my practice of what has been termed "the three hour rule." As speaker, I will be limiting debate to three hours for bills which are on the path to requiring a cloture motion to cease debate. When debate will likely continue after 3 hours on general file (or 1.5 hours of debate on select file) I will be placing a "Speaker's Hold" on the bill. I will not reschedule such a bill until the principal introducer provides me with a vote count indicating a cloture motion would likely be successful. As in the past, I or my staff will be verifying the names on these vote counts prior to my rescheduling the bill.

I also intend to continue, in general, my practice, and the practice of our recent speakers, to not reschedule any bill that fails to advance from general file or from select file, unless the bill is subsequently designated as a priority bill.

This same general rule of not scheduling a bill will apply to any bill bracketed during debate (to a date certain or without a specified date) and bills for which the principal introducer chooses to lay over his or her bill following the filing of a motion to indefinitely postpone pursuant to Rule 7, Section 3(a) and Section 6. In other words, if a principal introducer chooses to lay over their bill during the midst of debate due to the filing of a motion to indefinitely postpone the bill, I will not reschedule the bill on the agenda without subsequent designation of the bill as a priority bill. A bracketed bill may also be rescheduled if subsequently designated as a priority bill.

When scheduling worksheet order bills for debate, I will be passing over the 2019 priority bills which were completed last year. These bills include priority bills which failed a cloture motion and priority bills held in committee as of adjournment sine die (LBs 169, 183, 424, and 720, 37, and 606).

Some of the 2019 priority bills I consider "still in play" during the 2020 session. These bills will have priority over carry over bills taken up in worksheet order but will only be rescheduled when the reason for the hold has been addressed. Please note, however, that these bills will not be rescheduled for use as a vehicle for another measure. The 2019 priority bills which fall within the "still in play" category include: (a) any 2019 priority bill on general file yet to be debated; (b) any 2019 priority bill being held on a "Speaker's Hold" awaiting my receipt of a favorable vote count for a cloture motion; (c) any 2019 priority bill held by the principal introducer. (See attached list beginning on page 3 for specific bills within each category.)

Any 2019 priority bill may be designated as a 2020 priority bill and will be treated as a new debate. For the 2019 priority bills with a "Speaker's Hold," when designated as a 2020 priority bill, the "Speaker's Hold" will be removed and the clock will restart with respect to debate time counted towards entertaining a cloture motion.

The order of priority I intend to follow when scheduling bills is:

- First) 2020 priority bills;
- Second) 2019 priority bills "still in play"; and
- Third) worksheet order bills.

As usual, at some point in the session we will move to debating only 2020 priority bills and when available, the budget bills. At that time, we will leave debate of bills in worksheet order and the 2019 priority bills "still in play" until such time as all 2020 priority bills available for debate have been debated. This will occur regardless of what stage of the debate the bill sits at the time we turn to debating only 2020 priority bills.

If you have any questions on these practices, please feel free to contact me or Laurie in my office.

The 2019 priority bills which fall within the “still in play” category include:

- 3 bills on general file yet to be debated:

LB109 – (Bolz) Require the position classification plan and salary or pay plan for state employees to include certain positions (Bolz PB)

LB147 – (Groene) Change the Student Discipline Act to provide for use by a teacher or administrator of necessary physical contact or physical restraint and provide procedures and grounds for removal from a class in response to student behavior (Education PB)

LB153 – (Brewer, at the request of the Governor) Change provisions relating to the taxation of military retirement benefits (Lowe PB)

9 bills on general file which are being held on a “Speaker’s Hold” awaiting my receipt of a favorable vote count for a cloture motion:

LB44 – (Chambers) Eliminate the death penalty and change provisions relating to murder in the first Degree (Chambers PB)

LB110 – (Wishart) Adopt the Medical Cannabis Act (Wishart PB)

LB288 – (Linehan) Change income tax rates (Revenue PB)

LB289 – (Linehan) Change provisions relating to county assessor inspections of real property for property tax purposes (Revenue PB)

LB311 – (Crawford) Adopt the Paid Family and Medical Leave Insurance Act (Cavanaugh PB)

LB483 – (Erdman) Change the valuation of agricultural land and horticultural land (Erdman PB)

LB550 – (Vargas) Require voter approval of fees and taxes on wireless services and eliminate the Prepaid Wireless Surcharge Act (Vargas PB)

LB670 – (Linehan) Adopt the Opportunity Scholarships Act and provide tax credits (Linehan PB)

LB700 – (Bostelman) Provide for decommissioning and reclamation of a wind energy conversion system (Natural Resources PB)