

Nebraska State Legislature

SENATOR MIKE HILGERS
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To: Members of the Legislature
FROM: Speaker Mike Hilgers *MHilgers*
RE: Special Session Planning
DATE: June 29, 2021

I hope you are enjoying a relaxing and productive start to your interim.

I have received a number of inquiries regarding the timing, format, and procedures surrounding our upcoming special session on redistricting. While some details cannot be finalized until later this year, it is prudent for the body to start preparing for when we re-convene, and this memo is meant to address some common issues and questions.

The most significant question I have received is in regard to timing. I have provided additional context below, but for our special session **please be available September 13 through September 30. In addition, during special sessions, the Legislature has met on Saturday, so I ask you to be prepared to meet on Saturday, September 18, and Saturday, September 25, if needed.** Finally, and as discussed further below, because the start of our session is dependent on forces outside of our control (namely, receipt of data from the federal government), please retain flexibility and understand that circumstances may dictate a change in dates of the session.

Details Regarding Timing Of Special Session

As of now, the Legislature still anticipates receipt of finalized census data in a preliminary format (Legacy Data) in mid-August. After receipt of this data, the Legislative Research Division will need approximately two weeks to re-format the data into a useable form. This timeline leaves two weeks for the Redistricting Committee to work with the finalized data to prepare proposed maps and draft legislation prior to the start of the special session.

Many of you will remember the discussion we had on the floor during the debate of LB 285, the Government Committee's priority bill on elections, regarding the need to pass the Legislative redistricting plan, have it signed into law (or veto overridden), and the maps provided to the Secretary of State prior to October 1. This will allow the Secretary of State and local officials to have time to prepare for the 2022 elections. For instance, voting precincts cannot cross a newly drawn legislative district boundary, so depending on the newly drawn districts some voting

precincts will need to be redrawn by county election officials next fall. This timing issue necessitates we complete our work within a short window of time.

Therefore, with those two variables in mind—the delayed receipt of data from the census bureau, and the need to complete our work so that downstream the necessary work can be completed in time for 2022 elections—my intent is to convene the special session beginning in mid-September and end no later than the end of September. Specifically, my current intent is to convene the body for the first day of the special session on or around Monday, September 13th. While it is possible that the date of the session will start later than September 13th, it is unlikely, for the reasons stated, that it will start earlier than September 13. And, while we hope that we will complete redistricting expeditiously, for your personal planning purposes please make sure that you are available to be in Lincoln from September 13 through the end of September.

Daily Calendar And Schedule

The time we will convene on Day 1 has not been decided nor am I ready to propose start times for the subsequent session days. I will send a calendar of dates later this summer when we are closer to the start of session.

Nevertheless, a few preliminary notes can be made regarding the schedule.

First, please note that during previous special sessions, the Legislature has met on Saturday (even for just a check-in day), so I ask you to be prepared to meet on Saturday, September 18, and Saturday, September 25, if needed.

Second, while the precise calendar is not currently set, in light of the timing issue of needing a legislative redistricting plan enacted prior to October 1, it is my intention to work as many days and as long as needed each day to accomplish that goal.

Third, following bill introduction on Day 1, the Redistricting Committee will need to hold a public hearing on each bill. Pursuant to Rule 3, Section 6, the committee must hold at least one public hearing in each congressional district. I anticipate Days 2 and 3 to be hearing days for the redistricting bills and for confirmation hearings. I anticipate beginning general file floor debate as soon as the Redistricting Committee places one or more bills on general file. Each bill will require general file debate, select file debate, a layover day, followed by final reading. The specific schedule will be dependent upon progress each day.

Scope Of Special Session

The special session is limited to the purpose outlined in the call of the session, and no bills introduced outside the scope of the call will be considered. Specifically, and pursuant to the Nebraska Constitution, the Legislature's redistricting responsibilities include redrawing districts for the Legislature, the Supreme Court, the University Board of Regents, the Public Service Commission, and the State Board of Education. The federal Constitution and federal law also place with the state legislatures the responsibility of redistricting for members of the U.S. House of Representatives.

Pursuant to the Nebraska Constitution, a special session must last a minimum of seven legislative days. It is my goal to complete final reading of the six bills by September 24, followed by a couple of recess days until the Governor signs (or vetoes) all of the bills. As noted above, I ask that members be available September 13 through September 30 for the special session.

In addition to addressing redistricting legislation, the Legislature will be confirming gubernatorial appointments made between the end of our session in May and the beginning of the special session. Traditionally, the Legislature has always conducted confirmation hearings during a special session. While not specifically mentioned in special session calls, Attorney General Opinions hold that gubernatorial appointments fall within an administrative function of the Legislature, and thus, do not need to specifically be mentioned in the call.

In addition to confirmation hearings and reports, standing committees may utilize the first few days to continue their interim work on study resolutions and to informally work on carryover legislation from the first session. No official action can be taken on any carryover legislation.

Reimbursements

During a special session reimbursement will be according to our sessional expense reimbursement policy. A sessional expense reimbursement form will be provided to members on the last day of the special session.

Finally, I want to reiterate that the dates with respect to a special session are contingent upon the Legislature receiving the census Legacy Data by mid-August. However, for purposes of planning your early fall at this time, please clear your schedules from September 13 through September 30.

Please feel free to contact me if you have any questions.