

ONE HUNDRED SEVENTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 27CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Hansen, M., 26.

Read first time January 19, 2021

Committee:

1 THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA,
2 FIRST SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2022 the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 29:

7 III-29 (1). In order to insure continuity of state and local
8 governmental operations in periods of emergency resulting from enemy
9 attack upon the United States, or the imminent threat thereof, or
10 resulting from a pandemic, the Legislature shall have the power and the
11 immediate duty, notwithstanding any other provision to the contrary in
12 this Constitution, to provide by law for:

13 (a) The prompt and temporary succession to the powers and duties of
14 all public offices, of whatever nature and whether filled by election or
15 appointment, the incumbents of which, after an attack or during or after
16 a pandemic, may be or become unavailable or unable to carry on the powers
17 and duties of such offices;

18 (b) The convening of the Legislature into general or extraordinary
19 session, upon or without call by the Governor, during or after a war or
20 enemy caused disaster occurring in the United States, or during or after
21 a pandemic; and, with respect to any such emergency session, the
22 suspension or temporary change of the provisions of this Constitution or
23 of general law relating to the length and purposes of any legislative

1 session or prescribing the specific proportion or number of legislators
2 whose presence or vote is necessary to constitute a quorum or to
3 accomplish any legislative act or function;

4 (c) The selection and changing from time to time of a temporary
5 state seat of government, of temporary county seats, and of temporary
6 seats of government for other political subdivisions; to be used if made
7 necessary by enemy attack, or imminent threat thereof, or if made
8 necessary by a pandemic;

9 (d) The determination, selection, reproduction, preservation, and
10 dispersal of public records necessary to the continuity of governmental
11 operations in the event of enemy attack, or imminent threat thereof, or
12 in the event of a pandemic; and

13 (e) Such other measures and procedures as may be necessary and
14 proper for insuring the continuity of governmental operations in the
15 event of enemy attack, or imminent threat thereof, or in the event of a
16 pandemic.

17 (2). In the exercise of the powers hereinbefore conferred, the
18 Legislature shall in all respects conform to the requirements of this
19 Constitution except to the extent that, in the judgment of the
20 Legislature, so to do would be impracticable or would admit of undue
21 delay.

22 Sec. 2. The proposed amendment shall be submitted to the electors
23 in the manner prescribed by the Constitution of Nebraska, Article XVI,
24 section 1, with the following ballot language:

25 A constitutional amendment to provide legislative authority in
26 emergencies resulting from a pandemic.

27 For

28 Against.