

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1277**

Introduced by Wayne, 13.

Read first time January 16, 2024

Committee:

- 1 A BILL FOR AN ACT relating to emergencies; to amend section 81-829.40,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to emergency proclamations made by the Governor; to repeal the
- 4 original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-829.40, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 81-829.40 (1) The Governor shall be responsible for meeting the  
4 dangers to the state and people presented by disasters, emergencies, and  
5 civil defense emergencies, and in the event of disaster, emergency, or  
6 civil defense emergency beyond local control, he or she may assume direct  
7 operational control over all or any part of the emergency management  
8 functions within this state. He or she shall have general direction and  
9 control of emergency management and the Nebraska Emergency Management  
10 Agency and shall be responsible for carrying out the provisions of the  
11 Emergency Management Act.

12 (2) In order to effect the policy and purposes of the act, the  
13 Governor may issue proclamations and make, amend, and rescind the  
14 necessary orders, rules, and regulations to carry out the act.

15 (3) A state of emergency proclamation shall be issued by the  
16 Governor if he or she finds that a disaster, emergency, or civil defense  
17 emergency has occurred or that the occurrence or threat thereof is  
18 imminent. All proclamations issued under this subsection shall indicate  
19 the nature of the disaster, emergency, or civil defense emergency, the  
20 area or areas threatened, and the conditions which have brought about the  
21 state of emergency. All proclamations shall be disseminated promptly by  
22 means calculated to bring the contents to the attention of the general  
23 public and shall be promptly filed with the Nebraska Emergency Management  
24 Agency, the Secretary of State, and the clerks of the local governments  
25 in the area to which it applies. The proclamation shall continue in  
26 effect until the Governor finds that the threat or danger has passed or  
27 the disaster, emergency, or civil defense emergency has been dealt with  
28 to the extent that those conditions no longer exist and terminates the  
29 proclamation by letter of notice to such agency, the Secretary of State,  
30 and the clerks of the local governments in the area to which it applies.  
31 The Legislature by resolution may terminate a state of emergency

1 proclamation at any time, whereupon the Governor shall terminate the  
2 proclamation by letter of notice to such agency, the Secretary of State,  
3 and the clerks of the local governments in the area to which it applies.

4 (4) A state of emergency proclamation shall activate state, city,  
5 village, county, and interjurisdictional emergency management  
6 organizations and emergency operations plans applicable to the local  
7 government or area in question and shall be the authority for the  
8 deployment and use of any forces to which the plan or plans apply and for  
9 use or distribution of any supplies, equipment, materials, and facilities  
10 assembled, stockpiled, or arranged to be made available pursuant to the  
11 act or any other provision of law relating to disasters, emergencies, or  
12 civil defense emergencies.

13 (5) During the continuance of any state of emergency, the Governor  
14 shall be commander in chief of the organized and unorganized militia and  
15 of all other forces available for emergency management duty. To the  
16 greatest extent practicable, the Governor shall delegate or assign  
17 command authority by prior arrangement embodied in appropriate  
18 proclamations, orders, rules, and regulations, but nothing shall restrict  
19 his or her authority to do so by orders issued at the time of the  
20 disaster, emergency, or civil defense emergency.

21 (6) In addition to any other powers conferred upon the Governor by  
22 law, he or she may:

23 (a) Suspend the provisions of any regulatory statute prescribing the  
24 procedures for conduct of state business or the orders, rules, or  
25 regulations of any state agency if strict compliance with the provisions  
26 of any statute, order, rule, or regulation would in any way prevent,  
27 hinder, or delay necessary action in coping with the disaster, emergency,  
28 or civil defense emergency;

29 (b) Utilize all available resources of the state government and of  
30 each political subdivision of the state as are reasonably necessary to  
31 cope with the disaster, emergency, or civil defense emergency;

1 (c) Transfer the direction, personnel, or functions of state  
2 departments and agencies or units thereof for the purpose of performing  
3 or facilitating emergency management;

4 (d) Subject to any applicable requirements for compensation under  
5 section 81-829.57, commandeer or utilize any private property if he or  
6 she finds this necessary to cope with the disaster, emergency, or civil  
7 defense emergency;

8 (e) Direct and compel the evacuation of all or part of the  
9 population from any stricken or threatened area within the state if he or  
10 she deems this action necessary for the preservation of life or other  
11 emergency management;

12 (f) Prescribe routes, modes of transportation, and destinations in  
13 connection with evacuation;

14 (g) Control ingress and egress to and from a disaster area, the  
15 movement of persons within the area, and the occupancy of premises in the  
16 area;

17 (h) Suspend or limit the sale, dispensing, or transportation of  
18 alcoholic beverages, explosives, and combustibles; ~~and~~

19 (i) Make provisions for the availability and use of temporary  
20 emergency housing; and -

21 (j) Issue an emergency proclamation for multiple counties when  
22 requested by any political subdivision of the state that supplies  
23 electricity, natural gas, water, or sewer service. A political  
24 subdivision that supplies electricity, natural gas, water, or sewer  
25 service may request an emergency proclamation that covers one or more  
26 counties for a disaster, emergency, or civil defense emergency. Such  
27 request may be made directly to the Governor without first requesting  
28 such emergency proclamation from a county or any other governmental  
29 entity.

30 (7) In the event of a civil defense emergency, the Governor shall  
31 assume direct operational control over all or any part of the emergency

1 management functions within this state.

2           Sec. 2. Original section 81-829.40, Reissue Revised Statutes of  
3 Nebraska, is repealed.

4           Sec. 3. Since an emergency exists, this act takes effect when  
5 passed and approved according to law.