

AMENDMENTS TO LB 390

Introduced by Judiciary

1           1. Strike the original sections and insert the following  
2 new sections:

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

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

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

19           (3) A state of emergency proclamation shall be issued  
20 by the Governor if he or she finds that a disaster, emergency,  
21 or civil defense emergency has occurred or that the occurrence or  
22 threat thereof is imminent. All proclamations issued under this  
23 subsection shall indicate the nature of the disaster, emergency,

1 or civil defense emergency, the area or areas threatened, and the  
2 conditions which have brought about the state of emergency. All  
3 proclamations shall be disseminated promptly by means calculated to  
4 bring the contents to the attention of the general public and shall  
5 be promptly filed with the Nebraska Emergency Management Agency,  
6 the Secretary of State, and the clerks of the local governments  
7 in the area to which it applies. The proclamation shall continue  
8 in effect until the Governor finds that the threat or danger has  
9 passed or the disaster, emergency, or civil defense emergency has  
10 been dealt with to the extent that those conditions no longer exist  
11 and terminates the proclamation by letter of notice to such agency,  
12 the Secretary of State, and the clerks of the local governments in  
13 the area to which it applies. The Legislature by resolution may  
14 terminate a state of emergency proclamation at any time, whereupon  
15 the Governor shall terminate the proclamation by letter of notice  
16 to such agency, the Secretary of State, and the clerks of the local  
17 governments in the area to which it applies.

18 (4) A state of emergency proclamation shall activate  
19 state, city, village, county, and interjurisdictional emergency  
20 management organizations and emergency operations plans applicable  
21 to the local government or area in question and shall be the  
22 authority for the deployment and use of any forces to which the  
23 plan or plans apply and for use or distribution of any supplies,  
24 equipment, materials, and facilities assembled, stockpiled, or  
25 arranged to be made available pursuant to the act or any other  
26 provision of law relating to disasters, emergencies, or civil  
27 defense emergencies.

1           (5) During the continuance of any state of emergency  
2 the Governor shall be commander in chief of the organized  
3 and unorganized militia and of all other forces available for  
4 emergency management duty. To the greatest extent practicable,  
5 the Governor shall delegate or assign command authority by prior  
6 arrangement embodied in appropriate proclamations, orders, rules,  
7 and regulations, but nothing shall restrict his or her authority to  
8 do so by orders issued at the time of the disaster, emergency, or  
9 civil defense emergency.

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

12           (a) Suspend the provisions of any regulatory statute  
13 prescribing the procedures for conduct of state business or the  
14 orders, rules, or regulations of any state agency if strict  
15 compliance with the provisions of any statute, order, rule, or  
16 regulation would in any way prevent, hinder, or delay necessary  
17 action in coping with the disaster, emergency, or civil defense  
18 emergency;

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

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

26           (d) Subject to any applicable requirements for  
27 compensation under section 81-829.57, commandeer or utilize any

1 private property if he or she finds this necessary to cope with the  
2 disaster, emergency, or civil defense emergency;

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

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

9 (g) Control ingress and egress to and from a disaster  
10 area, the movement of persons within the area, and the occupancy of  
11 premises in the area;

12 (h) Suspend or limit the sale, dispensing, or  
13 transportation of alcoholic beverages, ~~firearms~~, explosives, and  
14 combustibles; and

15 (i) Make provisions for the availability and use of  
16 temporary emergency housing.

17 (7) In the event of a civil defense emergency the  
18 Governor shall assume direct operational control over all or any  
19 part of the emergency management functions within this state.

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