



# The Nebraska Constitution

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1866 - 2016



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# The Nebraska Constitution: 1866-2016



## A Legislative Research Office Backgrounder

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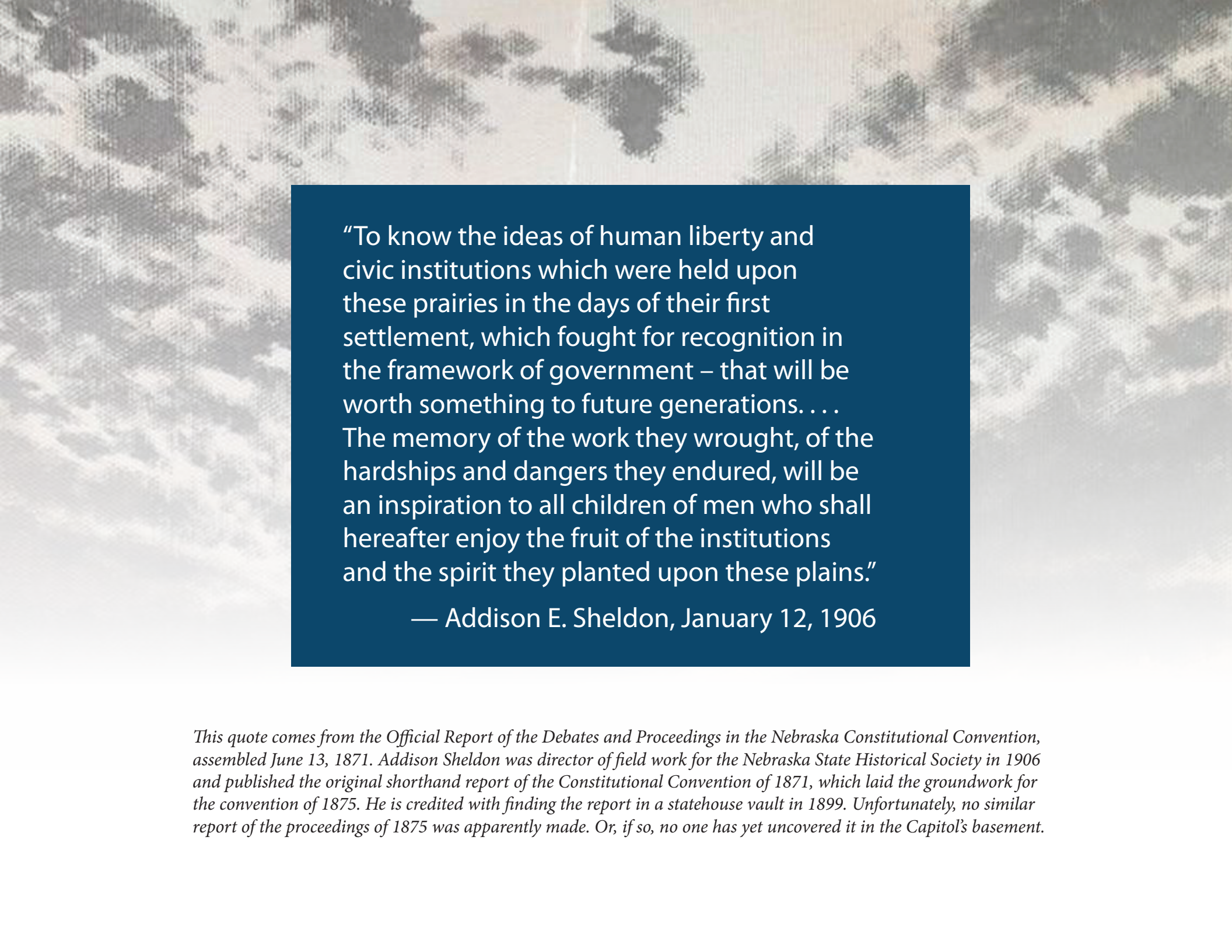
**Designed by**

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Research Analyst

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Research  
Report  
2017-1



“To know the ideas of human liberty and civic institutions which were held upon these prairies in the days of their first settlement, which fought for recognition in the framework of government – that will be worth something to future generations. . . . The memory of the work they wrought, of the hardships and dangers they endured, will be an inspiration to all children of men who shall hereafter enjoy the fruit of the institutions and the spirit they planted upon these plains.”

— Addison E. Sheldon, January 12, 1906

*This quote comes from the Official Report of the Debates and Proceedings in the Nebraska Constitutional Convention, assembled June 13, 1871. Addison Sheldon was director of field work for the Nebraska State Historical Society in 1906 and published the original shorthand report of the Constitutional Convention of 1871, which laid the groundwork for the convention of 1875. He is credited with finding the report in a statehouse vault in 1899. Unfortunately, no similar report of the proceedings of 1875 was apparently made. Or, if so, no one has yet uncovered it in the Capitol's basement.*



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# Introduction

Some might say Nebraska's Constitution is a thing of the past. They'd be right. The document that serves us today was written in 1875, making it one of the oldest state constitutions in existence.<sup>1</sup>

Far from being consigned to the dustbin of history, Nebraska's Constitution reflects the times and the events shaping our state.

For example, the machinations of adopting the State Constitution mirror Nebraska's tumultuous path to statehood in the years immediately following the Civil War.

Labor unrest, the Populists, and the Progressive political movement at the turn of the 20<sup>th</sup> century influenced the 1912 amendment which authorized the initiative and referendum processes and many of the 41 amendments proposed by the Constitutional Convention of 1919-1920. Tough times on the farm and changing economic realities ushered in the 1982 amendment barring corporate farming.

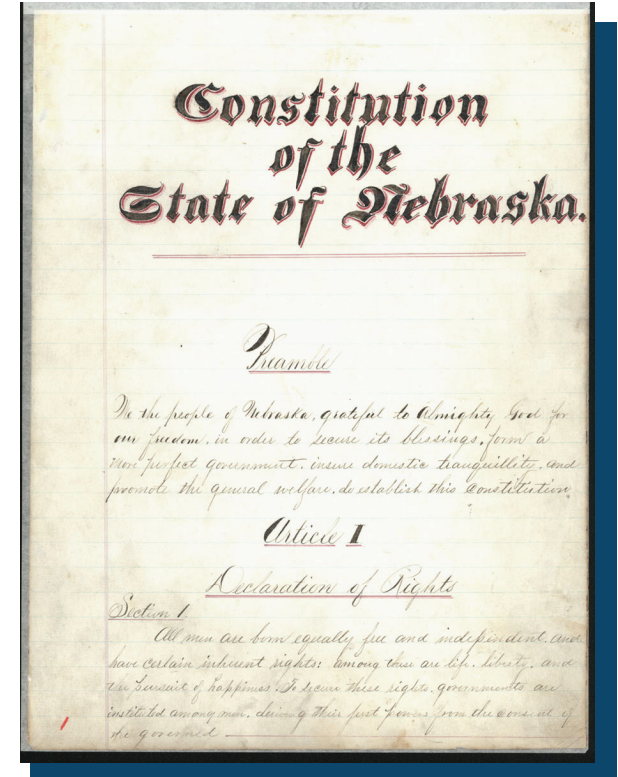
Term limits on politicians, protections for crime victims, the right to hunt and fish, and the right to keep firearms for personal protection are issues that have gained traction with Nebraskans and found

their way into the Constitution in recent decades.

Over the years, Nebraska's Constitution has been amended more than 230 times. There have been three constitutional conventions since statehood (1871, 1875, and 1920) and two constitutional commissions (1970 and 1997).

Court decisions also shape the Constitution. In the mid-1990s, two rulings by the Nebraska Supreme Court invalidated initiative-petition driven amendments seeking to place term limits on certain elective officers.<sup>2</sup> An Eighth Circuit Court of Appeals ruling in 1999 invalidated several sections of Article XVIII relating to term limits because those sections violated provisions of the U.S. Constitution pertaining to free speech and the manner in which the federal Constitution can be amended.<sup>3</sup> Recent federal rulings have also affected the Nebraska Constitution's bar on corporate farming<sup>4</sup> and same-sex marriages.<sup>5</sup>

In 2017, Nebraska celebrates 150 years of statehood. As Nebraska approaches this milestone, this report offers insight into how our Constitution, written at the dawn of statehood, has evolved and remains Nebraska's guiding legal document.



**A copy of the original Constitution.**

1. Only 17 states have constitutions older than Nebraska's, according to University of Nebraska Professors Miewald, Longo, and Schutz in their book, *The Nebraska State Constitution*, 2009 edition.

2. *Duggan v. Beermann*, 245 Neb. 907 (1994) and *Duggan v. Beermann*, 249 Neb. 411 (1996).

3. *Miller v. Moore*, 169 F.3d 1119 (8<sup>th</sup> Cir. 1999).

4. *Jones v. Gale*, 470 F.3d 1261 (8<sup>th</sup> Cir. 2006).

5. *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015).



# The Constitutional Amendment Process in Nebraska

The Nebraska Constitution can be amended in three ways: via legislative proposal, a convention, or directly by citizens.

Legislatively proposed amendments must be approved by a three-fifths majority of senators, then submitted to voters. A majority of voters voting on the amendment must approve it and the majority vote must not be less than 35 percent of the total votes cast in the election. (Article XVI, sec. 1)

A three-fifths majority vote of the Legislature is also required to recommend a constitutional convention be convened for purposes of revising, amending, or changing the state Constitution. The recommendation must be approved by voters before the Legislature calls a convention. The exact number of persons to serve in the convention is determined by the Legislature, but must not exceed 100. Members are nominated and elected by district. Any proposals submitted by a constitutional convention must be subsequently approved by voters. (Article XVI, sec. 2)

Alternatively, since adoption of a constitutional amendment in 1912, Nebraska citizens can petition amendments onto the ballot. Petitions to amend the Constitution must contain the signatures of 10 percent of registered voters and be distributed so as to include 5 percent of the registered voters of each of two-fifths of the state's counties. (Article III, sec. 2)

In 1969 and 1995, the Legislature passed bills creating constitutional commissions. The duty given these commissions was to study the state's Constitution and recommend changes, if needed. However, unlike constitutional conventions, the commissions had no authority to directly propose

amendments. Their recommendations were presented to the Legislature.

The Constitution has been amended 235 times, according to the *Nebraska Blue Book*. The early Constitution was difficult to amend because doing so required a majority of persons voting in the election as determined by the number voting for the Governor. This proved a difficult hurdle. Of 39 amendments between 1882, when the first proposal made the ballot, until 1920, when the

Constitution was changed, only 11 were approved.

Most of the measures that passed during this time did so after 1906, with the aid of laws adopted by the Legislature to get around the Constitution's high threshold. The so-called Party Circle Law and the Primary Law allowed all straight-ticket votes cast in an election to be counted as also being in favor of a constitutional amendment if the political party being supported had declared its support for the measure at the primary.

Amendments by Decade			
Years	Submitted	Approved	Rejected
1882-1890	8	1	7
1892-1900	14	0	14
1902-1910	5	3	2
1912-1920	12	7	5
Constitutional Convention of 1919-1920	41	41	0
1922-1930	4	1	3
1932-1940	13	6	7
1942-1950	6	1	5
1952-1960	37	27	10
1962-1970	66	49	17
1972-1980	61	42	19
1982-1990	25	18	7
1992-2000	45	28	17
2002-2012	26	11	15
Total	363	235	128

Sources: *Nebraska Blue Book*, 2014-2015, pgs. 241-257; *Nebraska State Constitution*, Miewald, Longo, and Schutz, 2009, pg. 30.



## A Note about Using this Report



Aligning the constitutional sections can be confusing. The eye wants to follow a strict numerical order. The 2016 version of the Constitution provides that order, while the constitutions of 1875 and 1866 are aligned alongside 2016 based on the substance of the sections. Sometimes this results in a simple jumbling of the sections within an article. However, other times following the language results in sections being moved from one article to an entirely different one. When this happens, the article and section number are noted.

The territorial Constitution of 1866 contains several provisions the drafters in 1875 chose not to include. These “orphan” sections are included alongside Article XVIII, for convenience; they do not align with any current constitutional sections.

Finally, some constitutional changes call out for further explanation. When this has been deemed helpful, they are noted with a bold-faced “Note.” Such points of explanation are the work of this report and should not be confused with the “notes” provided by the Revisor of Statutes and listed under the “Source” material for the sections in 2016.





**2016**

**Preamble**

We the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the Constitution of the State of Nebraska.

**Article I  
Bill of Rights**

**Sec. 1. Statement of rights.**

All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Source:

Neb. Const. art. I, sec. 1 (1875);

Amended 1988, Initiative Measure No. 403.

**Sec. 2. Slavery prohibited.**

There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.

**1875**

**Preamble**

We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the Constitution of the state of Nebraska

**Article I  
Bill of Rights**

**Sec. 1.** All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, and the pursuit of happiness. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

**Sec. 2.** There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.

**1866**

**Preamble**

We, the people of Nebraska, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare, do establish this Constitution.

**Article I  
Declaration of Rights**

**Sec. I.** All men are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

**Sec. 2.** There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.



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Source:  
Neb. Const. art. I, sec. 2. (1875).

**Sec. 3. Due process of law; equal protection.**

No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.

Source:  
Neb. Const. art I, sec. 3 (1875);  
Amended 1998, Laws 1997, LR 20CA, sec. 1.

**Sec. 3.** No person shall be deprived of life, liberty, or property, without due process of law.

**Sec. 4. Religious freedom.**

All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Source:  
Neb. Const. art. I, sec. 4 (1875).

**Sec. 4.** All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect, or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

**Sec. 16.** All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship and to encourage schools and the means of instruction.



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**Sec. 5. Freedom of speech and press.**

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth when published with good motives, and for justifiable ends, shall be a sufficient defense.

Source:  
Neb. Const. art. I, sec. 5 (1875).

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**Sec. 5.** Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

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**Sec. 3.** Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous be true, and was published with "good motives and for justifiable ends, the party shall be acquitted: and the jury shall have the right to determine the law and the fact.

**Sec. 6. Trial by jury.**

The right of trial by jury shall remain inviolate, but the Legislature may authorize trial by a jury of a less number than twelve in courts inferior to the District Court, and may by general law authorize a verdict in civil cases in any court by not less than five-sixths of the jury.

Source:  
Neb. Const. art. I, sec. 6 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 1.

**Sec. 6.** The right of trial by jury shall remain inviolate, but the legislature may authorize trial by a jury of a less number than twelve men, in courts inferior to the district court,

**Sec. 5.** The right of trial by jury shall remain inviolate, but the Legislature may authorize trial by a jury of a less number than twelve men, in inferior courts.

**Sec. 7. Search and seizure.**

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Source:  
Neb. Const. art. I, sec. 7 (1875).

**Sec. 7.** The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated ; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

**Sec. 11.** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person or things to be seized.



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**Sec. 8. Habeas corpus.**

The privilege of the writ of habeas corpus shall not be suspended.

Source:

Neb. Const. art. I, sec. 8 (1875);

Amended 1998, Laws 1997, LR 30CA, sec. 1.

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**Sec. 8.** The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

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**Sec. 8.** No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war, or public danger; and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion the public safety may require.

**Sec. 9. Bail; fines; imprisonment; cruel and unusual punishment.**

All persons shall be bailable by sufficient sureties, except for treason, sexual offenses involving penetration by force or against the will of the victim, and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Source:

Neb. Const. art. I, sec. 9 (1875);

Amended 1978, Laws 1978, LB 553, sec. 1.

**Sec. 9.** All persons shall be bailable by sufficient sureties, except for treason and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Sec. 6.** All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Sec. 10. Presentment or indictment by grand jury; information.**

No person shall be held to answer for a

**Sec. 10.** No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine or imprisonment,

**Sec. 8.** No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury except in cases of



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criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; Provided, That the Legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law, abolish, limit, change, amend, or otherwise regulate the grand jury system.

Source:  
Neb. Const. art. I, sec. 10 (1875).

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otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy or in the militia, when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; Provided, That the legislature may, by law, provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may, by law, abolish, limit, change, amend, or otherwise regulate the grand jury system.

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impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war, or public danger; and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion the public safety may require.

### Sec. 11. Rights of Accused.

In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Source:  
Neb. Const. art. I, sec. 11 (1875).

**Sec. 11.** In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

**Sec. 7.** In all criminal prosecutions and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

### Sec. 12. Evidence against self; double jeopardy.

No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.

**Sec. 12.** No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.

**Sec. 8.** No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or



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Source:  
Neb. Const. art. I, sec. 12 (1875).

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in the militia, when in actual service in time of war, or public danger; and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion the public safety may require.

### **Sec. 13. Justice administered without delay; Legislature; authorization to enforce mediation and arbitration.**

All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.

Source:  
Neb. Const. art. I, sec. 13 (1875);  
Amended 1996, Laws 1995, LR 1CA, sec. 1.

**Sec. 13.** All courts shall be open, and every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law, and justice administered without denial or delay.

**Sec. 9.** All courts shall be open, and every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

### **Sec. 14. Treason.**

Treason against the state shall consist only in levying war against the state, or in adhering to

**Sec. 14.** Treason against the state shall consist only in levying war against the state, or in adhering to its enemies, giving them aid

**Sec. 10.** Treason against the State shall consist only, in levying war against the same, or in adhering to its enemies, giving



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its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Source:  
Neb. Const. art. I, sec. 14 (1875).

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and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

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them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**Sec. 15. Penalties; corruption of blood; transporting out of state prohibited.**

All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the state.

Source:  
Neb. Const. art. I, sec. 15 (1875).

**Sec. 15.** All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the state.

**Sec. 16. Bill of attainder; retroactive laws; contracts; special privileges.**

No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

Source:  
Neb. Const. art. I, sec. 16 (1875).

**Sec. 16.** No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

**Sec. 12.** No bill of attainder, ex-post-facto law, nor any law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

**Sec. 17. Military subordinate.**

The military shall be in strict subordination to the civil power.

Source:  
Neb. Const. art. I, sec. 17 (1875).

**Sec. 17.** The military shall be in strict subordination to the civil power.

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**Sec. 18. Soldiers quarters.**

No soldier shall in time of peace be quartered in any house without the consent of the

**Sec. 18.** No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the



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owner; nor in time of war except in the manner prescribed by law.  
Source:  
Neb. Const. art I, sec. 18 (1875).

manner prescribed by law.

**Sec. 19. Right of peaceable assembly and to petition government.**  
The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.  
Source:  
Neb. Const. art. I, sec. 19 (1875).

**Sec. 19.** The right of the people, peaceably, to assemble to consult for the common good, and to petition the government or any department thereof, shall never be abridged.

**Sec. 4.** The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

**Sec. 20. Imprisonment for debt prohibited.**  
No person shall be imprisoned for debt in any civil action on mesne or final process.  
Source:  
Neb. Const. art. I, sec. 20 (1875);  
Amended 1998, Laws 1997, LR 26CA, sec. 1.

**Sec. 20.** No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

**Sec. 15.** No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

**Sec. 21. Private property compensated for.**  
The property of no person shall be taken or damaged for public use without just compensation therefor.  
Source:  
Neb. Const. art. I, sec. 21 (1875).

**Sec. 21.** The property of no person shall be taken or damaged for public use without just compensation therefor.

**Sec. 13.** The property of no person shall be taken for public use without just compensation therefor.

**Sec. 22. Elections to be free.**  
All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.  
Source:  
Neb. Const. art. I, sec. 22 (1875).

**Sec. 22.** All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.





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**Sec. 23. Capital cases; right of direct appeal; effect; other cases; right of appeal.**

In all capital cases, appeal directly to the Supreme Court shall be as a matter of right and shall operate as a supersedeas to stay the execution of the sentence of death until further order of the Supreme Court. In all other cases, criminal or civil, an aggrieved party shall be entitled to one appeal to the appellate court created pursuant to Article V, section 1, of this Constitution or to the Supreme Court as may be provided by law.

Source:  
Neb. Const. art I, sec. 23 (1875);  
Amended 1972, Laws 1972, LB 196, sec. 1;  
Amended 1990, Laws 1990, LR 8, sec. 1.

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**Sec. 23.** The writ of error shall be a writ of right in all cases of felony; and in capital cases shall operate as a supersedeas to stay the execution of the sentence of death until the further order of the supreme court in the premises.

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**Sec. 18.** The writ of error shall be a writ of right in all capital cases, and shall operate as a supersedeas to stay the execution of the sentence of death until the further order of the Supreme Court in the premises.

**Sec. 24. Repealed 1990. Laws 1990, LR 8, sec. 1.**

(Note: The original language was the same as in 1875. The effect of this section was to permit every lawsuit, regardless of importance, to be heard by the state Supreme Court, resulting in a considerable backlog of cases. Voters remedied the situation in 1990 by repealing Sec. 24 and creating the Court of Appeals.)

**Sec. 24.** The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied.

**Sec. 25. Rights of property; no discrimination; aliens.**

There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property. The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law.  
Source:

**Sec. 25.** No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment, or descent of property.

**Sec. 14.** No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment, or descent of property.



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Neb. Const. art. I, sec. 25 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 2.

**Sec. 26. Powers retained by people.** This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated, remain with the people. Source: Neb. Const. art. I, sec. 26 (1875).

**Sec. 26.** This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

**Sec. 20.** This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

—Added 1920—

**Sec. 27. English language to be official.** The English language is hereby declared to be the official language of this state, and all official proceedings, records and publications shall be in such language, and the common school branches shall be taught in said language in public, private, denominational and parochial schools. Source: Neb. Const. art. I, sec. 27 (1920); Adopted 1920, Constitutional Convention, 1919-1920, No. 3.

—Added 1996—

**Sec. 28. Crime victims; rights enumerated; effect; Legislature; duties.** (1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and



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the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the implementation of the rights granted in this section. There shall be no remedies other than as specifically provided by the Legislature for the enforcement of the rights granted by this section.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.

Source:

Neb. Const. art. I, sec. 28 (1996);

Adopted 1996, Laws 1995, LR 21CA, sec. 1.

—Added 2000—

**Sec. 29. Marriage; same-sex relationships not valid or recognized.**

Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.

Source:

Neb. Const. art. I, sec. 29 (2000);

Adopted 2000, Initiative Measure No. 416.

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—Added 2008—

**Sec. 30. Discrimination or grant of preferential treatment prohibited; public employment, public education, or public contracting; section, how construed; remedies.**

(1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. (2) This section shall apply only to action taken after the section's effective date. (3) Nothing in this section prohibits bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting. (4) Nothing in this section shall invalidate any court order or consent decree that is in force as of the effective date of this section. (5) Nothing in this section prohibits action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state. (6) For purposes of this section, state shall include, but not be limited to: (a) the State of Nebraska; (b) any agency, department, office, board, commission, committee, division, unit, branch, bureau, council, or sub-unit of the state; (c) any public institution of higher education; (d) any political subdivision of or within the state; and (e) any government institution or instrumentally of or within the state. (7) The remedies available for violations

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of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Nebraska's antidiscrimination law. (8) This section shall be self executing. If any part or parts of this section are found to be in conflict with federal law or the Constitution of the United States, this section shall be implemented to the maximum extent that federal law and the Constitution of the United States permit. Any provision held invalid shall be severable from the remaining portions of this section.

Source:

Neb. Const. art. I, sec. 30 (2008); Adopted 2008, Initiative Measure No. 424.

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### Article II Distribution of Powers

#### Sec. 1. Legislative, executive, judicial.

(1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

Source:

Neb. Const. art. II, sec. 1 (1875);

Amended 2006, Laws 2006, LR 274CA, sec. 1

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### Article II Distribution of Powers

Sec. 1. The powers of the government of this state are divided into three distinct departments: the legislative, executive, and judicial, and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

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No equivalent article.



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### Article III Legislative Power

**Sec. 1. Legislative authority; how vested; power of initiative; power of referendum.**

The legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum.

Source:

Neb. Const. art. III, sec. 1 (1875);  
Amended 1912, Laws 1911, c. 223, sec. 2, p. 671;  
Amended 1934, Initiative Measure No. 330;  
Amended 2000, Laws 1999, LR 18CA, sec. 3.

—Added 1912—

**Sec. 2. First power reserved; initiative.**

The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the

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### Article III Legislative

**Sec. 1.** The legislative authority is vested in a senate and house of representatives.

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### Article II Legislative

**Sec. 1.** The legislative authority of this State shall be vested in a General Assembly which shall consist of a Senate and House of Representatives, and the style of every law shall be: "Be it enacted by the Legislature of the State of Nebraska."



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Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

Source:

Neb. Const. art. III, sec. 1A (1912);

Adopted 1912, Laws 1911, c. 223, sec. 2, p. 671;

Amended 1920, Constitutional Convention, 1919-1920, No. 4;

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Amended 1988, Laws 1988, LR 248, sec. 1;  
 Amended 1998, Laws 1997, LR 32CA, sec. 1;  
 Amended 2004, Initiative Measure No. 418, sec. 1.

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—Added 1912—

**Sec. 3. Second power reserved; referendum.**

The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition. When the referendum is invoked as to any act or



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part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

Source:

Neb. Const. art. III, sec. 1B (1912);

Adopted 1912, Laws 1911, c. 223, sec. 2, p. 671;

Amended 1920, Constitutional Convention, 1919-1920, No. 4;

Amended 1988, Laws 1988, LR 248, sec. 1;

Amended 1998, Laws 1997, LR 32CA, sec. 2.

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—Added 1912—

**Sec. 4. Initiative or referendum; signatures required; veto; election returns; constitutional amendments; non-partisan ballot.**

The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five per cent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official



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canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.

Source:

Neb. Const. art. III, sec. 1C;

Adopted 1912, Laws 1911, c. 223, sec. 2, p. 671;

Amended 1920, Constitutional Convention, 1919-1920, No. 4.

**Sec. 5. Legislative districts; apportionment; redistricting, when required.**

The Legislature shall by law determine the

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**Sec. 2.** The legislature shall provide by law for an enumeration of the inhabitants of the state in the year eighteen hundred and eighty

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**Sec. 3.** The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and



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number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.

Source:

Neb. Const. art. III, sec. 2 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 5;  
Amended 1934, Initiative Measure No. 330;  
Amended 1962, Laws 1961, c. 246, sec. 1, p. 731;  
Amended 1966, Laws 1965, c. 304, sec. 1, p. 856;  
Amended 2000, Laws 1999, LR 18CA, sec. 3.

### **Sec. 6. Legislature; number of members; annual sessions.**

The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law.

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five, and every ten years thereafter; and at its first regular session after each enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

**Sec. 3.** The house of representatives shall consist of eighty-four members, and the senate shall consist of thirty members, until the year eighteen hundred and eighty, after which time the number of members of each house shall be regulated by law: but the number of representatives shall never exceed one hundred, nor that of senators thirty-three. The sessions

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seventy-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

**Sec. 5.** The Senators and Representatives shall be chosen by districts of convenient, contiguous territory, as compact as may be, to be defined by law, except as to the first election which is hereinafter provided for.

**Sec. 8.** The Senate shall consist of thirteen members, and the House of Representatives shall consist of thirty-nine members and shall not be increased for the term of ten years after the adoption of this Constitution; Provided, that after the expiration of said ten years, the Legislature shall have the power to increase the number of senators and representatives,



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Source:  
 Neb. Const. art. III, sec. 3 (1875);  
 Amended 1920, Constitutional Convention,  
 1919-1920, No. 6;  
 Amended 1934, Initiative Measure No. 330;  
 Amended 1970, Laws 1969, c. 415, sec. 1, p.  
 1424.

**Sec. 7. Legislators; terms; effect of redistricting; election; salary; expenses; mileage.**

At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of

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of the legislature shall be biennial, except as otherwise provided in this constitution.

**Sec. 4.** The terms of office of members of the legislature shall be two years, and they shall each receive for their services three dollars for each day's attendance during the session, and ten cents for every mile they shall travel in going to and returning from the place of meeting of the legislature on the most usual route; Provided however, That they shall not receive pay for more than forty days at any one session; and neither members of the legislature nor employes shall receive any pay or perquisites other than their per diem and mileage.

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so as to correspond with the increase of the population of the State; Provided, such number shall at no time be more than twenty-five in the Senate and seventy-five in the House of Representatives.

**Sec. 4.** Senators and Representatives shall be elected biennially, by the electors in the respective counties or districts, on the second Tuesday of October. Their term of office shall commence on the first day of January next thereafter, and continue two years, except the Senators and Representatives to the first Legislature under this Constitution, whose election and term of office shall be as hereinafter provided.

**Sec. 21.** Each member of the Legislature shall receive for his services three dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the Legislature, on the most usual route. Provided however, That they shall not receive pay for more than forty days at any one session.



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the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Source:

Neb. Const. art. III, sec. 4 (1875);  
Amended 1886, Laws 1885, c. 124, p. 435;  
Amended 1912, Laws 1911, c. 224, sec. 1, p. 675;  
Amended 1920, Constitutional Convention, 1919-1920, No. 7;  
Amended 1934, Initiative Measure No. 330;  
Amended 1960, Laws 1959, c. 235, sec. 1, p. 818;  
Amended 1962, Laws 1961, c. 247, sec. 1, p. 733;  
Amended 1966, Laws 1965, c. 304, sec. 1, p. 856;  
Amended 1968, Laws 1967, c. 323, sec. 1, p. 859;  
Amended 1988, Laws 1988, LR 7, sec. 1.

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**Sec. 5.** No person shall be eligible to the office of senator or member of the house of representatives, who shall not be an elector, and have resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States, or of this state. And no person elected as aforesaid shall hold his office after he shall have removed from such district.

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**Sec. 6.** Every white male citizen, who shall be a qualified elector in the district which he may be chosen to represent, shall be eligible to a seat in the legislature.

**Sec. 8. Legislators; qualifications; one-year residence in district; removal from district, effect.**

No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected, or on the date of his appointment he is a registered voter, has attained the age of twenty-one years and has resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States or of this State. And no person elected as aforesaid shall hold his office after he shall have removed from such district.

Source:

Neb. Const. art. III, sec. 5 (1875);



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Amended 1972, Laws 1971, LB 126, sec. 1; Amended 1992, Initiative Measure No. 407; Amended 1994, Initiative Measure No. 408. Note: The changes made to Article III, section 8, of the Constitution of Nebraska by Initiative 407 in 1992 have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 245 Neb. 907, 515 N.W.2d 788 (1994). Note: The changes made to Article III, section 8, of the Constitution of Nebraska by Initiative 408 in 1994 have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

**Sec. 9. Legislators; disqualifications; election to other office; resignation required.**

No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. Except as otherwise provided by law, a member of the Legislature who is elected to any other state or local office prior to the end of his or her term in the Legislature shall resign from the Legislature prior to the commencement of the legislative session during which the term of the state or local office will begin.

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**Sec. 6.** No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the legislature; but this provision shall not extend to precinct or township officers, justices of the peace, notaries public, or officers of the militia; nor shall any person interested in a contract with, or an unadjusted claim against the state, hold a seat in the legislature.

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**Sec. 14.** No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature; and if any person shall, after his election as a member of the Legislature, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.



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Neb. Const. art. III, sec. 6 (1875);  
Amended 1972, Laws 1972, LB 1514, sec. 1;  
Amended 2000, Laws 2000, LR 6CA, sec. 1.

**Sec. 10. Legislative sessions; time; quorum; rules of procedure; expulsion of members; disrespectful behavior, penalty.**

Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote

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**Sec. 7.** The session of the legislature shall commence at twelve o'clock (noon) on the first Tuesday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election returns, and qualifications of its members; shall choose its own officers; and the senate shall choose a temporary president to preside when the lieutenant governor shall not attend as president, or shall act as governor. The secretary of state shall call the house of representatives to order at the opening of each new legislature, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person, not a member thereof, who shall be guilty of disrespect to the house, by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

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**Sec. 7.** Each House shall be the judge of the election and qualifications of its own members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**Sec. 9.** The mode of organizing the House of Representatives at the commencement of each regular session shall be prescribed by law.

**Sec. 10.** Each House shall choose its own officers, may determine its own rule of proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all other powers necessary to provide for its safety and the undisturbed transaction of its business.

**Sec. 12.** The first session of the Legislature under this Constitution shall be held on the fourth day of July, one thousand eight hundred and sixty-six ; and all regular sessions thereafter shall commence on the first Thursday after the first Monday in January, biennially. But the Legislature may on extraordinary occasions be convened by proclamation of the Governor, and





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of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Source:

Neb. Const. art. III, sec. 7 (1875);  
Amended 1934, Initiative Measure No. 330;  
Amended 1970, Laws 1969, c. 415, sec. 1, p. 1424;  
Amended 1974, Laws 1974, LB 598, sec. 1.

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**Sec. 8.** Each house shall keep a journal of its proceedings, and publish them (except such parts as may require secrecy), and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal. All votes in either house shall be viva voce. The doors of each house and of the committee of the whole shall be open, unless when the business shall be such as ought to be kept secret. Neither house shall, without the consent of the other, adjourn for more than three days.

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when so convened shall transact no business, except such as relates to the objects for which they were so convened, to be stated in the proclamation of the Governor.

**Sec. 11.** Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any three members in the Senate, or any five members in the House, the yeas and nays shall be entered upon the journal, and on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal, and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

**Sec. 27.** In all elections by the Legislature, the numbers thereof shall vote viva voce, and their votes shall be entered on the journal.

**Sec. 11. Legislative journal; vote viva voce; open doors; committee votes.**

The Legislature shall keep a journal of its proceedings and publish them, except such parts as may require secrecy, and the yeas and nays of the members on any question shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the committees of the Legislature shall be open, except when the business shall be such as ought to be kept secret. The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill.

Source:

Neb. Const. art. III, sec. 8 (1875);



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Amended 1934, Initiative Measure No. 330; Amended 1998, Laws 1997, LR 10CA, sec. 1.

**Sec. 12. Legislators; terms; limitation.**

(Note: The original Section 12 was repealed in 1934. The former language was the same as Sec. 9 in 1875. The current language was proposed by initiative and adopted in 2000.)

- (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.
- (2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.
- (3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Source:  
Neb. Const. art. III, sec. 12 (2000);  
Adopted 2000, Initiative Measure No. 415.

**Sec. 13. Style of bills; majority necessary to passage; yeas and nays entered on journal.**

The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas

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**Sec. 9.** Any bill may originate in either house of the legislature, except bills appropriating money, which shall originate only in the house of representatives, and all bills passed by one house may be amended by the other.

**Sec. 10.** The enacting clause of a law shall be, "Be it enacted by the legislature of the state of Nebraska," and no law shall be enacted except by bill. No bill shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken immediately

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**Sec. 18.** Bills may originate in either house; but may be altered, amended or rejected in the other.

**Sec. 1.** The legislative authority of this State shall be vested in a General Assembly which shall consist of a Senate and House of Representatives, and the style of every law shall be "Be it enacted by the Legislature of the State of Nebraska."



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and nays on the question of final passage of any bill shall be entered upon the journal.

Source:

Neb. Const. art. III, sec. 10 (1875);

Amended 1912, Laws 1911, c. 223, sec. 3, p. 674;

Amended 1920, Constitutional Convention, 1919-1920, No. 8;

Amended 1972, Laws 1971, LB 132, sec. 1.

**Sec. 14. Bills and resolutions read by title; printing; vote for final passage; bills to contain one subject; amended section to be set forth; signing of bills.**

Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of

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upon its last reading, and the yeas and nays shall be entered upon the journal.

**Sec. 11.** Every bill and concurrent resolution shall be read at large on three different days in each house, and the bill and all amendments thereto shall be printed before the vote is taken upon its final passage. No bill shall contain more than one subject, and the same shall be clearly expressed in its title. And no law shall be amended unless the new act contains the section or sections so amended, and the section or sections so amended shall be repealed. The presiding officer of each house shall sign, in the presence of the house over which he presides, while the same is in session and capable of transacting business, all bills and concurrent resolutions passed by the legislature.

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**Sec. 11.** Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any three members in the Senate, or any five members in the House, the yeas and nays shall be entered upon the journal, and on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal, and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

**Sec. 19.** Every bill shall be fully and distinctly read on three different days, unless, in case of urgency, three-fourths of the house in which it shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended, unless the new act contain the entire act revived, and the sections amended; and the section or sections so amended shall be repealed.

**Sec. 20.** The presiding officer of each House shall sign publicly, in the presence of the House over which he presides, while the same is in session and capable of transacting business, all bills and joint resolutions passed by the Legislature.



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the Legislature while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature.

Source:

Neb. Const. art. III, sec. 11 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 8;  
Amended 1934, Initiative Measure No. 330;  
Amended 1996, Laws 1995, LR 4CA, sec. 1.

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**Sec. 12.** Members of the legislature, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days before the commencement and after the termination thereof.

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**Sec. 16.** Members of the Legislature shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, nor shall they be subject to any civil process, during the session of the Legislature, nor for fifteen days next before the commencement, and after the termination of each session.

**Sec. 15. Members privileged from arrest.** Members of the Legislature in all cases except treason, felony or breach of the peace, shall be privileged from arrest during the session of the Legislature, and for fifteen days next before the commencement and after the termination thereof.

Source:

Neb. Const. art. III, sec. 12 (1875).

**Sec. 16. Members of the Legislature and state officers; conflicts of interest; standards for.**

No member of the Legislature or any state officer shall have a conflict of interest, as defined by the Legislature, directly in any contract, with the state or any county or municipality thereof, authorized by any law enacted during the term for which he shall have been elected or appointed, or within one year after the expiration of such term. The Legislature shall prescribe standards and definitions for determining the existence of such conflicts of interest in contracts, and it shall prescribe sanctions for enforcing this section.

Source:

**Sec. 13.** No person elected to the legislature shall receive any civil appointment within this state, from the governor and senate during the term for which he has been elected. And all such appointments, and all votes given for any such member for any such office or appointment, shall be void. Nor shall any member of the legislature, or any state officer, be interested, either directly or indirectly, in any contract with the state, county, or city, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

**Sec. 13.** No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

**Sec. 23.** The Legislature shall provide by law that all stationery required for the use of the State, and all printing authorized and required by them to be done for their use, or for the State, shall be let by contract to the lowest bidder; but the Legislature may establish a maximum price. No member of the Legislature,



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Neb. Const. art. III, sec. 13 (1875);  
 Amended 1920, Constitutional Convention,  
 1919-1920, No. 9;  
 Amended 1968, Laws 1967, c. 322, sec. 1, p. 856;  
 Amended 1972, Laws 1972, LB 1514, sec. 1.

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**Sec. 14.** The senate and house of representatives, in joint convention, shall have the sole power of impeachment, but a majority of the members elected must concur therein. Upon the entertainment of a resolution to impeach by either house, the other house shall at once be notified thereof, and the two houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification. A notice of an impeachment of any officer other than a justice of the supreme court, shall be forthwith served upon the chief justice by the secretary of the senate, who shall thereupon call a session of the supreme court to meet at the capital within ten days after such notice to try the impeachment. A notice of an impeachment of a justice of the supreme court shall be served by the secretary of the senate upon the judge of the judicial district within which the capital is located, and he thereupon shall notify all the judges of the district court in the state to meet with him within thirty days at the capital, to sit as a court to try such impeachment, which court shall organize by electing one of its number to preside. No person shall be convicted without the concurrence of two-thirds of the members of the court of impeachment, but judgment in cases of impeachment shall not

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or other State officer, shall be interested, either directly or indirectly, in any such contract.

**Sec. 28.** The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachment shall be tried by the Senate; and the Senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the Senators.

**Sec. 29.** The Governor, Secretary of State, Auditor, Treasurer, and Judges of the Supreme and District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted, shall nevertheless be liable to indictment, trial and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the Legislature may provide.

**Sec. 17. Impeachment; procedure.**  
 The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Proceedings may be initiated in either a regular session or a special session of the Legislature. Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the Legislature, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State to meet within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. The case against the impeached civil officer shall be brought in the name of the Legislature and



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shall be managed by two senators, appointed by the Legislature, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted.

Source:  
Neb. Const. art. III, sec. 14 (1875);  
Amended 1972, Laws 1971, LB 126, sec. 1;  
Amended 1986, Laws 1986, LR 318, sec. 1.

**Sec. 18. Local or special laws prohibited.**  
The Legislature shall not pass local or special laws in any of the following cases, that is to say:  
For granting divorces.  
Changing the names of persons or places.  
Laying out, opening altering and working roads

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extend further than removal from office and disqualification to hold and enjoy any office of honor, profit or trust in this state, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his official duties after he shall have been impeached and notified thereof, until he shall have been acquitted.

**Sec. 15.** The legislature shall not pass local or special laws in any of the following cases, that is to say:  
For granting divorces.  
Changing the names of persons or places.  
Laying out, opening, altering, and working

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**Sec. 22.** The Legislature shall never authorize any lottery, or grant any divorce.



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or highways.  
 Vacating roads, Town plats, streets, alleys, and public grounds.  
 Locating or changing County seats.  
 Regulating County and Township offices.  
 Regulating the practice of Courts of Justice.  
 Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.  
 Providing for changes of venue in civil and criminal cases.  
 Incorporating Cities, Towns and Villages, or changing or amending the charter of any Town, City, or Village.  
 Providing for the election of Officers in Townships, incorporated Towns or Cities.  
 Summoning or empaneling Grand or Petit Juries.  
 Providing for the bonding of cities, towns, precincts, school districts or other municipalities.  
 Providing for the management of Public Schools.  
 The opening and conducting of any election, or designating the place of voting.  
 The sale or mortgage of real estate belonging to minors, or others under disability.  
 The protection of game or fish.  
 Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.  
 Changing the law of descent.  
 Granting to any corporation, association, or individual, the right to lay down railroad tracks,

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roads or highways.  
 Vacating roads, town plats, streets, alleys, and public grounds.  
 Locating or changing county seats.  
 Regulating county and township offices.  
 Regulating the practice of courts of justice.  
 Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.  
 Providing for changes of venue in civil and criminal cases.  
 Incorporating cities, towns, and villages, or changing or amending the charter of any town, city, or village.  
 Providing for the election of officers in townships, incorporated towns or cities.  
 Summoning or empaneling grand or petit juries.  
 Providing for the bonding of cities, towns, precincts, school districts, or other municipalities.  
 Providing for the management of public schools.  
 Regulating the interest on money.  
 The opening and conducting of any election, or designating the place of voting.  
 The sale or mortgage of real estate belonging to minors or others under disability.  
 The protection of game or fish.  
 Chartering or licensing ferries or toll bridges.  
 Remitting fines, penalties, or forfeitures.  
 Creating, increasing, and decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.  
 Changing the law of descent.

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or amending existing charters for such purpose. Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; Provided, that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted.

Source:

Neb. Const. art. III, sec. 15 (1875); Amended 1964, Laws 1965, (Appendix), Seventy-fourth Extraordinary Session, 1963, c. 3, sec. 1, p. 1921.

**Sec. 19. Compensation; increase when; extra compensation to public officers and contractors prohibited; retirement benefits; adjustment.**

The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished

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Granting to any corporation, association or individual, the right to lay down railroad tracks, or amending existing charters for such purpose. Granting to any corporation, association, or individual, any special or exclusive privileges, immunity or franchise whatever. In all other cases where a general law can be made applicable, no special law shall be enacted.

**Sec. 16.** The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

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**Sec. 24.** The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.





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during his or her term of office, except that when there are members elected or appointed to the Legislature or the judiciary, or officers elected or appointed to a board or commission having more than one member, and the terms of such members commence and end at different times, the compensation of all members of the Legislature, of the judiciary, or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof.

Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of the Constitution of Nebraska.

Source:

Neb. Const. art. III, sec. 16 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 10;

Amended 1952, Laws 1951, c. 159, sec. 1, p. 634;

Amended 1968, Laws 1967, c. 322, sec. 1, p. 856;

Amended 1972, Laws 1972, LB 1414, sec. 1;

Amended 1978, Laws 1978, LB 739, sec. 1;

Amended 2000, Laws 2000, LR 291CA, sec. 1.

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**Sec. 20. Salt springs, coal, oil, minerals; alienation prohibited.**

The salt springs, coal, oil, minerals, or other natural resources on or contained in the land belonging to the state shall never be alienated; but provision may be made by law for the leasing or development of the same.

Source:

Neb. Const. art. III, sec. 17 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 11.

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**Sec. 17.** The legislature shall never alienate the salt springs belonging to this state.

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**Sec. 21. Donation of state lands prohibited; when.**

Lands under control of the State shall never be donated to railroad companies, private corporations or individuals.

Source:

Neb. Const. art. III, sec. 18 (1875).

**Sec. 18.** Lands under the control of the state shall never be donated to railroad companies, private corporations, or individuals.

**Sec. 22. Appropriations for state; deficiencies; bills for pay of members and officials.**

Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

Source:

Neb. Const. art. III, sec. 19 (1875);  
Amended 1972, Laws 1971, LB 139, sec. 1.

**Sec. 19.** Each legislature shall make appropriations for the expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter. And whenever it is deemed necessary, to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to each house, and shall not exceed the amount of revenue authorized by law to be raised in such time. Bills making appropriations for the pay of members and officers of the legislature, and for the salaries of the officers of the government, shall contain no provision on any other subject.

**Sec. 30.** No money shall be drawn from the Treasury, except in pursuance of a specific appropriation made by law; and no appropriation shall be made for a longer period than two years.

**Art. V, Sec. 1.** No money shall be paid out of the treasury, except in pursuance of an appropriation by law.



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**Sec. 23. Repealed 1972. Laws 1972, LB 302, sec. 1. (Note:** The repealed language was the same as Sec. 20, 1875.)

**Sec. 24. Games of chance, lotteries, and gift enterprises; restrictions; parimutuel wagering on horseraces; bingo games; use of state lottery proceeds.**

(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be

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**Sec. 20.** All offices created by this constitution shall become vacant by the death of the incumbent, by removal from the state, resignation, conviction of a felony, impeachment, or becoming of unsound mind. And the legislature shall provide by general law for the filling of such vacancy when no provision is made for that purpose in this constitution.

**Sec. 21.** The legislature shall not authorize any games of chance, lottery, or gift enterprise, under any pretense, or for any purpose whatever.

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**Sec. 31.** The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this Constitution.

**Art. II, Sec. 15.** The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.



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appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

- (i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;
- (ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;
- (iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;
- (iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the

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Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Source:

Neb. Const. art. III, sec. 21 (1875);  
Amended 1934, Initiative Measure No. 332;  
Amended 1958, Initiative Measure No. 302;  
Amended 1962, Laws 1961, c. 248, sec. 1, p. 735;  
Amended 1968, Laws 1967, c. 307, sec. 1, p. 832;  
Amended 1988, Laws 1988, LR 15, sec. 1;  
Amended 1992, Laws 1991, LR 24CA, sec. 1;  
Amended 2004, Laws 2004, LR 209CA, sec. 1.

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**Sec. 25. Incidental expenses of state officers; specific appropriations always necessary; warrants for money.**

No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution.

Source:

Neb. Const. art. III, sec. 22 (1875);  
Amended 1964, Laws 1963, c. 302, sec. 2(1), p. 894.

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**Sec. 22.** No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation, and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued by the auditor thereon, and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item, and to whom and for what paid.

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**Sec. 30.** No money shall be drawn from the Treasury, except in pursuance of a specific appropriation made by law; and no appropriation shall be made for a longer period than two years

**Art. V, Sec. 1.** No money shall be paid out of the treasury, except in pursuance of an appropriation by law.

**Sec. 26. Privilege of members.**

No member of the Legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

Source:

Neb. Const. art. III, sec. 23 (1875).

**Sec. 23.** No member of the legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

**Sec. 17.** No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

**Sec. 27. Acts take effect after three months; emergency bills; session laws.**

No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, which is expressed in the preamble or body of the act, the Legislature shall by a vote of two-thirds of all the members elected otherwise direct. All laws shall be published within sixty

**Sec. 24.** No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency (to be expressed in the preamble or body of the act) the legislature shall, by a vote of two-thirds of all the members elected to each house otherwise direct. All laws shall be published in book form within sixty days after the adjournment of each session, and



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days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may provide.

Source:

Neb. Const. art. III, sec. 24 (1875);

Amended 1972, Laws 1971, LB 126, sec. 1;

Amended 1998, Laws 1997, LR 17CA, sec. 1.

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distributed among the several counties in such manner as the legislature may provide.

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### **Sec. 28. Repealed 1934. Initiative Measure No. 330.**

**(Note:** Repealed language read, "Senatorial and representative districts shall continue as now existing, until otherwise provided by law.")

### **Article IV Legislative Apportionment**

Until otherwise provided by law, senatorial and representative districts shall be formed, and senators and representatives apportioned, as follows:

Senatorial Districts

District No. 1. Shall consist of the county of Richardson, and be entitled to two senators.

District No. 2. Shall consist of the county of Nemaha, and be entitled to one senator.

District No. 3. Shall consist of the county of Otoe, and be entitled to two senators.

District No. 4. Shall consist of the county of Cass, and be entitled to one senator.

District No. 5. Shall consist of the county of Douglas, and be entitled to two senators.

District No. 6. Shall consist of the counties of Douglas and Sarpy, and be entitled to one senator.

District No. 7. Shall consist of the county of Washington, and be entitled to one senator.

District No. 8. Shall consist of the county of Dodge, and be entitled to one senator.

District No. 9. Shall consist of the county of Cuming, and be entitled to one senator.

District No. 10. Shall consist of the counties of



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Burt and Dakota, and be entitled to one senator.

District No. 11. Shall consist of the counties of Madison, Stanton, Wayne, Pierce, Antelope, and Boone, and be entitled to one senator.

District No. 12. Shall consist of the counties of Dixon, Cedar, Knox, Holt and the unorganized territory west of Holt, and be entitled to one senator.

District No. 13. Shall consist of the counties of Hall, Howard, Merrick, Greeley, and the unorganized territory north of Greeley, and be entitled to one Senator.

District No. 14. Shall consist of the counties of Platte and Colfax, and be entitled to one senator.

District No. 15. Shall consist of the counties of Butler and Polk, and be entitled to one senator.

District No. 16. Shall consist of the county of Saunders, and be entitled to one senator.

District No. 17. Shall consist of the county of Lancaster, and be entitled to two senators.

District No. 18. Shall consist of the counties of Johnson and Pawnee, and be entitled to one senator.

District No. 19. Shall consist of the counties of Gage and Jefferson, and be entitled to one senator.

District No. 20. Shall consist of the county of Saline, and be entitled to one senator.

District No. 21. Shall consist of the county of Seward, and be entitled to one senator.

District No. 22. Shall consist of the counties of York and Hamilton, and be entitled to one senator.

District No. 23. Shall consist of the counties of Fillmore and Clay, and be entitled to one





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senator.

District No. 24. Shall consist of the counties of Adams, Webster, Nuckolls, and Thayer, and be entitled to one Senator.

District No. 25. Shall consist of the counties of Buffalo, Kearney, Franklin, Harlan, Phelps, Sherman, Valley, and the unorganized territory west of Sherman, Valley, and senatorial district number thirteen (13), and be entitled to one senator.

District No. 26. Shall consist of the counties of Lincoln, Dawson, Gosper, Furnas, Red Willow, Frontier, Hitchcock, Dundy, Chase, Keith, Cheyenne, and the unorganized territory west of Frontier, and between Frontier and Chase, and be entitled to one senator.

REPRESENTATIVE DISTRICTS.

District No. 1. Shall consist of the county of Richardson, and be entitled to four representatives.

District No. 2. Shall consist of the county of Pawnee, and be entitled to two representatives.

District No. 3. Shall consist of the county of Gage, and be entitled to two representatives.

District No. 4. Shall consist of the county of Johnson, and be entitled to two representatives.

District No. 5. Shall consist of the county of Nemaha, and be entitled to three representatives.

District No. 6. Shall consist of the county of Otoe, and be entitled to four representatives.

District No. 7. Shall consist of the county of Lancaster, and be entitled to four representatives.

District No. 8. Shall consist of the county

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of Saunders, and be entitled to three representatives.  
District No. 9. Shall consist of the county of Cass, and be entitled to three representatives.  
District No. 10. Shall consist of the county of Sarpy, and be entitled to one representative.  
District No. 11. Shall consist of the county of Douglas, and be entitled to eight representatives.  
District No. 12. Shall consist of the county of Dodge, and be entitled to two representatives.  
District No. 13. Shall consist of the county of Washington, and be entitled to two representatives.  
District No. 14. Shall consist of the county of Burt, and be entitled to one representative.  
District No. 15. Shall consist of the county of Cuming, and be entitled to two representatives.  
District No. 16. Shall consist of the county of Dakota, and be entitled to one representative.  
District No. 17. Shall consist of the county of Dixon, and be entitled to one representative.  
District No. 18. Shall consist of the county of Jefferson, and be entitled to one representative.  
District No. 19. Shall consist of the county of Thayer, and be entitled to one representative.  
District No. 20. Shall consist of the county of Nuckolls, and be entitled to one representative.  
District No. 21. Shall consist of the county of Webster, and be entitled to one representative.  
District No. 22. Shall consist of the county of Adams, and be entitled to one representative.  
District No. 23. Shall consist of the county of Clay, and be entitled to one representative.  
District No. 24. Shall consist of the county of

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Fillmore, and be entitled to one representative.  
District No. 25. Shall consist of the county of Saline, and be entitled to three representatives.  
District No. 26. Shall consist of the county of Seward, and be entitled to two representatives.  
District No. 27. Shall consist of the county of York, and be entitled to two representatives.  
District No. 28. Shall consist of the county of Hamilton, and be entitled to one representative.  
District No. 29. Shall consist of the county of Hall, and be entitled to one representative.  
District No. 30. Shall consist of the county of Buffalo, and be entitled to one representative.  
District No. 31. Shall consist of the county of Lincoln, and be entitled to one representative.  
District No. 32. Shall consist of the county of Harlan, and be entitled to one representative.  
District No. 33. Shall consist of the counties of Howard and Greeley, and be entitled to one representative.  
District No. 34. Shall consist of the county of Merrick, and be entitled to one representative.  
District No. 35. Shall consist of the county of Polk, and be entitled to one representative.  
District No. 36. Shall consist of the county of Butler, and be entitled to one representative.  
District No. 37. Shall consist of the county of Colfax, and be entitled to one representative.  
District No. 38. Shall consist of the county of Platte, and be entitled to one representative.  
District No. 39. Shall consist of the county of Madison, and be entitled to one representative.  
District No. 40. Shall consist of the county of Cedar, and be entitled to one representative.  
District No. 41. Shall consist of the counties

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of Burt and Dodge, and be entitled to one representative.

District No. 42. Shall consist of the counties of Stanton, Wayne, and Pierce, and be entitled to one representative.

District No. 43. Shall consist of the counties of Knox and Holt, and the unorganized territory west of Holt, and be entitled to one representative.

District No. 44. Shall consist of the county of Antelope, and be entitled to one representative.

District No. 45. Shall consist of the counties of Boone, Valley, Sherman, and the unorganized territory west of Sherman and Valley counties, and west of the thirteenth senatorial district, and be entitled to one representative.

District No. 46. Shall consist of the counties of Dawson and Frontier, and be entitled to one representative,

District No. 47. Shall consist of the counties of Franklin and Kearney, and be entitled to one representative.

District No. 48. Shall consist of the counties of Furnas, Phelps and Gosper, and be entitled to one representative.

District No. 49. Shall consist of the counties of Cheyenne, Keith, Dundy, Chase, Hitchcock, Red Willow, and the unorganized territory north of the county of Hitchcock, and be entitled to one representative.

District No. 50. Shall consist of the counties of Cass and Saunders, and be entitled to one representative.

District No. 51. Shall consist of the counties of Platte, Colfax and Butler, and be entitled to one



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representative.  
 District No. 52. Shall consist of the counties of Fillmore and Clay, and be entitled to one representative.

—Added 1960—

**Sec. 29. Legislative authority in emergencies due to enemy attack upon United States.**

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

- (a) The prompt and temporary succession to the powers and duties of all public offices, of whatever nature and whether filled by election or appointment, the incumbents of which, after an attack, may be or become unavailable or unable to carry on the powers and duties of such offices;
- (b) The convening of the Legislature into general or extraordinary session, upon or without call by the Governor, during or after a war or enemy caused disaster occurring in the United States; and, with respect to any such emergency session, the suspension or temporary change of the provisions of this Constitution or of general law relating to the length and purposes of any legislative session or prescribing the specific proportion or number of legislators whose presence or vote is necessary to constitute a quorum or to accomplish any legislative act or function;



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

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

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

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

Source:  
Neb. Const. art. III, sec. 29 (1960);  
Adopted 1960, Laws 1959, c. 234, sec. 1, p. 815.

### **Sec. 30. Legislature to pass necessary laws.**

The Legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Source:  
Neb. Const. art. XVI, sec. 20 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. XVII, sec. 6;  
Neb. Const. art. XVII, sec. 6 (1997);  
Amended 1998, Laws 1997, LR 17CA, sec. 2.

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**Art. XVI, Sec. 20.** The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

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### Article IV Executive

**Sec. 1. Executive departments; officers; when elected; terms; eligibility; books to be kept at seat of government; residence of officers; heads of departments; appointments.**

The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish. The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified. Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected. The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of

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### Article V Executive Department

**(Note:** Article IV of the Constitution of 1875 pertained to Apportionment. The constitutional convention of 1919-1920 eliminated the outdated language regarding legislative districts and transferred the new language to Art. III, sec. 28. The convention then moved Article V, pertaining to the Executive, to Article IV. Ultimately, voters repealed sec. 28 in 1934 when they adopted the initiative measure that created the Unicameral legislature.)

**Sec.1.** The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, and commissioner of public lands and buildings, who shall each hold his office for the term of two years from the first Thursday after the first Tuesday in January next after his election, and until his successor is elected and qualified; Provided, however, that the first election of said officers shall be held on the Tuesday succeeding the first Monday in November, 1876, and each succeeding election shall be held at the same relative time in each even year thereafter. The governor, secretary of state, auditor of public accounts, and treasurer, shall reside at the seat of government during their terms of office, and keep the public records, books and papers there, and shall perform such duties as may be required by law.

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### Article III Executive

**Sec. 1.** The Executive Department shall consist of a Governor, Secretary of State, Auditor and Treasurer, who shall be chosen by the electors of the State on the second Tuesday of October, and at the places of voting for members of the Legislature.

**Sec. 2.** The Governor, Secretary of State, and Treasurer shall hold their offices for two years; and the Auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

**Sec. 20.** The Secretary, Auditor, and Treasurer of State, shall severally perform such duties as shall be prescribed by law.



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Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

Source:

Neb. Const. art. V, sec. 1 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 13;

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 1;

Amended 1936, Laws 1935, c. 188, sec. 1, p. 694;

Amended 1952, Laws 1951, c. 164, sec. 2(2), p. 645;

Amended 1958, Laws 1957, c. 213, sec. 1, p. 748;

Amended 1962, Laws 1961, c. 249, sec. 1, p. 736;

Amended 1964, Laws 1963, c. 296, sec. 1, p. 883;

Amended 1966, Laws 1965, c. 300, sec. 1, p. 846;

Amended 1970, Laws 1969, c. 417, sec. 1, p. 1428;

Amended 1998, Laws 1997, LR 8CA, sec. 1;

Amended 2000, Laws 1999, LR 14CA, sec. 1

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**Sec. 2. Governor; Lieutenant Governor; eligibility; qualifications; appointive officers, ineligible for other office.**

**Sec. 2.** No person shall be eligible to the office of governor, or lieutenant-governor, who shall not have attained to the age of thirty years,

**Sec. 4.** No person except a citizen of the United States and a qualified elector of the State. Shall be eligible to any office provided for by this



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No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his election a resident and citizen of this state and a citizen of the United States. None of the appointive officers mentioned in this article shall be eligible to any other state office during the period for which they have been appointed.

Source:

Neb. Const. art. V, sec. 2 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 13;

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 2;

Amended 1962, Laws 1961, c. 250, sec. 1, p. 738;

Amended 1966, Laws 1965, c. 291, sec. 1, p. 832.

### **Sec. 3. Treasurer; ineligibility.**

The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.

Source:

Neb. Const. art. V, sec. 3 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 3;

Amended 1992, Initiative Measure No. 407;

Amended 1994, Initiative Measure No. 408.

Note: The changes made to Article IV, section 3, of the Constitution of Nebraska by Initiative 407 in 1992 have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 245 Neb. 907, 515 N.W.2d 788 (1994).

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and been for two years next preceding his election a citizen of the United States and of this state. None of the officers of the executive department shall be eligible to any other state office during the period for which they shall have been elected.

**Sec. 3.** The treasurer shall be ineligible to the office of treasurer for two years next after the expiration of two consecutive terms for which he was elected.

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**Sec. 15.** No member of Congress, or other person holding office under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.



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Note: The changes made to Article IV, section 3, of the Constitution of Nebraska by Initiative 408 in 1994 have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

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**Sec. 5. Impeachment.**

A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor in pursuit of such office.

Source:  
Neb. Const. art. V, sec. 5 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 5;  
Amended 2012, Laws 2012, LR 19CA, sec. 1.

**Sec. 5.** All civil officers of this state shall be liable to impeachment for any misdemeanor in office.

**Sec. 6. Supreme executive power.**

The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered.

Source:  
Neb. Const. art. V, sec. 6 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 13;  
Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 6.

**Sec. 6.** The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

**Sec. 6.** The supreme executive power of this State shall be vested in the Governor.

**Sec. 7.** He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

**Sec. 7. Message by Governor; budget; contents; budget bill; preparation; appropriations not to be in excess of budget; exception; excess subject to veto.**

The Governor may, at the commencement of each session, and at the close of his term

**Sec. 7.** The governor shall, at the commencement of each session, and at the close of his term of office, and whenever the legislature may require, give to the legislature information by message of the condition of the state, and shall recommend such measures as

**Sec. 8.** He shall communicate at every session, by message to the Legislature, the condition of the State, and recommend such measures as he shall deem expedient.



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of office and whenever the Legislature may require, give by message to the Legislature information of the condition of the state, and shall recommend such measures as he shall deem expedient. At a time fixed by law, he shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state and a budget bill to be introduced by the Speaker of the Legislature at the request of the Governor. Said budget bill shall be prepared with such expert assistance and under such regulations as may be required by the Governor. No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor.

Source:

Neb. Const. art. V, sec. 7 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 13;

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 7;

Amended 1964, Laws 1963, c. 302, sec. 2(2), p. 895;

Amended 1972, Laws 1971, LB 301, sec. 1.

### **Sec. 8. Special sessions.**

The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.

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he shall deem expedient. He shall account to the legislature, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and, at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

**Sec. 8.** The governor may, on extraordinary occasions, convene the legislature by proclamation, stating therein the purpose for which they are convened, and the legislature shall enter upon no business except that for which they were called together.

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**Sec. 9.** He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.



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Source:  
Neb. Const. art. V, sec. 8 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 8.

**Sec. 9. Repealed 1934. Initiative Measure No. 330.**

(Note: Initiative Measure No. 330 created the Unicameral Legislature. The repealed language was the same as in Sec. 9, 1875.)

**Sec. 9.** In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the legislature to such time as he thinks proper, not beyond the first day of the next regular session.

**Sec. 10.** In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the Legislature to such time as he may think proper, but not beyond the regular meetings thereof.

**Sec. 10. Governor to appoint officers; removal.**

The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature. The Governor shall have power to remove, for cause and after a public hearing, any person whom he may appoint for a term except officers provided for in Article V of the Constitution, and he may declare his office vacant, and fill the same as herein provided as in other cases of vacancy. The Governor shall have power to remove any other person whom he appoints at any time and for any reason.

Source:  
Neb. Const. art. V, sec. 10 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 10;  
Amended 1972, Laws 1972, LB 302, sec. 1.

**Sec. 10.** The governor shall nominate by and with the advice and consent of the senate (expressed by a majority of all the senators elected voting, by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such officer shall be appointed or elected by the legislature.

**Sec. 12.** The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.



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### **Sec. 11. Elected state officer; vacation of office; Governor fill by appointment; term.**

If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his successor shall be elected and qualified in such manner as may be provided by law.

Source:

Neb. Const. art. V, sec. 11 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 11;

Amended 1962, Laws 1961, c. 252, sec. 2(1), p. 741;

Amended 1972, Laws 1972, LB 302, sec. 1;

Amended 1980, Laws 1979, LR 5, sec. 1.

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**Sec. 20.** If the office of auditor of public accounts, treasurer, secretary of state, attorney-general, commissioner of public lands and buildings, or superintendent of public instruction, shall be vacated by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment; and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.

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### **Sec. 12. Nonelective state officers; vacation; Governor; fill the office by appointment; approval by Legislature.**

If any nonelective state office, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment. If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the Legislature. If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right

**Sec. 11.** In case of a vacancy during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate, (a majority of all the senators elected concurring by voting yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at request of the senate, or be



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to approve or disapprove the appointment. All appointees shall hold their office until their successors shall be appointed and qualified. No person after being rejected by the Legislature shall be again nominated for the same office at the same session, unless at request of the Legislature, or be appointed to the same office during the recess or adjournment of the Legislature.

Source:

Neb. Const. art. V, sec. 12 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 12;

Amended 1972, Laws 1972, LB 302, sec. 1.

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appointed to the same office during the recess of the legislature.

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### **Sec. 13. Board of parole; members; powers; reprieves; proceedings; power to pardon; limitations.**

The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. The Governor, Attorney General and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment. The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of

**Sec. 13.** The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its

**Sec. 12.** He shall have power, after conviction, to grant reprieves, commutations and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations as to the manner of applying for pardon as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the Legislature, at its next meeting, when the Legislature shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the Legislature at every regular session, each case of reprieve, commutation, or pardon granted; stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.



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any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on them. The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve.

Source:  
 Neb. Const. art. V, sec. 13 (1875);  
 Amended 1920, Constitutional Convention, 1919-1920, No. 13;  
 Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 13;  
 Amended 1968, Laws 1967, c. 319, sec. 1, p. 852.

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date, and the date of the reprieve, commutation, or pardon.

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### **Sec. 14. Governor to be commander-in-chief of militia.**

The Governor shall be commander-in-chief of the military and naval forces of the state (except when they shall be called into the service of the United States) and may call out the same to execute the laws, suppress insurrection, and repel invasion.

Source:  
 Neb. Const. art. V, sec. 14 (1875);  
 Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 14.

**Sec. 14.** The governor shall be commander-in-chief of the military and naval forces of the state (except when they shall be called into the service of the United States), and may call out the same to execute the laws, suppress insurrection, and repel invasion.

**Sec. 11.** He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

### **Sec. 15. Bills to be presented to Governor; approval; procedure; disapproval or reduction of items of appropriation; passage despite disapproval or reduction.**

Every bill passed by the Legislature, before

**Sec. 15.** Every bill passed by the legislature, before it becomes a law, and every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on

**Sec. 19.** Every bill which shall have passed the Legislature, shall before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with



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it becomes a law, shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill with the objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced. If then three-fifths of the members elected agree to pass the bill with objections it shall become a law, or if three-fifths of the members elected agree to repass any item or items disapproved or reduced, the bill with such repassage shall become a law. In all cases the vote shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the Legislature by their adjournment prevent its return; in which case it shall be filed, with his objections, in the office of the Secretary of State within five days after such adjournment, or become a law. The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless the Legislature has reconsidered the item or items disapproved or reduced and has repassed any such item or items over the objection of the Governor by a

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questions of adjournment,) shall be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then three-fifths of the members elected agree to pass the same, it shall be sent, together with the objection, to the other house, by which it shall likewise be reconsidered; and if approved by three-fifths of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. In all such cases, the vote of each house shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the governor within five days, (Sunday excepted), after it shall have been presented to him, shall become a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return; in which case it shall be filed, with his objections, in the office of the secretary of state within five days after such adjournment, or become a law. The governor may disapprove any item or items of appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom, unless re-passed in the manner herein prescribed in cases of disapproval of bills.

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his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays, excepted,) after it shall have been presented to him, the same shall be a law, unless the Legislature shall by their adjournment prevent its return, in which case it shall not be a law.





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three-fifths approval of the members elected.

Source:

Neb. Const. art. V, sec. 15 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 15;

Amended 1972, Laws 1971, LB 301, sec. 1;

Amended 1974, Laws 1974, LB 1034, sec. 1;

Amended 1976, Laws 1975, LB 17, sec. 1.

### **Sec. 16. Order of succession to become Governor; Lieutenant Governor; duties.**

In case of the conviction of the Governor on impeachment, his removal from office, his resignation or his death, the Lieutenant Governor, the Speaker of the Legislature and such other persons designated by law shall in that order be Governor for the remainder of the Governor's term.

In case of the death of the Governor-elect, the Lieutenant Governor-elect, the Speaker of the Legislature and such other persons designated by law shall become Governor in that order at the commencement of the Governor-elect's term.

If the Governor or the person in line of succession to serve as Governor is absent from the state, or suffering under an inability, the powers and duties of the office of Governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases as provided by law. After January 1, 1975, the Lieutenant Governor shall serve on all boards and commissions in lieu of the Governor whenever so designated by the Governor, shall perform such duties as may

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**Sec. 16.** In case of the death, impeachment and notice thereof to the accused, failure to qualify, resignation, absence from the state, or other disability of the governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant-governor.

**Sec. 18.** If there be no lieutenant-governor, or if the lieutenant-governor, for any of the causes specified in section sixteen of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

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**Sec. 16.** In case of the impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Secretary of State, until such disability shall cease, or the vacancy be filled.



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be delegated him by the Governor, and shall devote his full time to the duties of his office.

Source:

Neb. Const. art. V, sec. 16 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 16;

Amended 1970, Laws 1969, c. 417, sec. 1, p. 1428;

Amended 1972, Laws 1972, LB 302, sec. 1.

### **Sec. 17. Repealed 1934. Initiative Measure No. 330.**

(**Note:** Initiative Measure No. 330 created the Unicameral Legislature. The repealed language was the same as in Sec. 17, 1875.)

### **Sec. 18. Repealed 1972. Laws 1972, LB 302, sec. 1.**

(**Note:** The Constitutional Commission of 1970 recommended an overhaul of the sections pertaining to the Governor's appointment authority and succession in the case of a vacancy in a constitutional office. In 1972, the Legislature proposed changes in response to those recommendations. Subsequently, the subject matter in Sec. 18 was transferred to Sec. 16.

The repealed language read, "If there be no Lieutenant Governor, or if the Lieutenant Governor for any of the causes specified in section sixteen of this article, becomes incapable of performing the duties of the office, the Speaker of the Legislature shall act as Governor until the vacancy is filled, or the disability removed; and if the Speaker of the

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**Sec. 17.** The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided.

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**Sec. 17.** If, during the vacancy of the office of Governor, the Secretary of State shall be impeached, displaced, resign, die, or be absent from the State, the powers and duties of the office of Governor shall devolve upon the President of the Senate; and should a vacancy occur by impeachment, death, resignation, or absence from the State of the President of the Senate, the Speaker of the House of Representatives shall act as Governor till the vacancy be filled.



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Legislature for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall be performed as provided by law.”)

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**Sec. 19.** The commissioner of public lands and buildings, the secretary of state, treasurer and attorney-general shall form a board, which shall have general supervision and control of all the buildings, grounds and lands of the state, the state prison, asylums, and all other institutions thereof, except those for educational purposes; and shall perform such duties and be subject to such rules and regulations as may be prescribed by law.

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**Sec. 19. State institutions; management, control, and government; determination by Legislature.**

The general management, control and government of all state charitable, mental, reformatory, and penal institutions shall be vested as determined by the Legislature.

Source  
 Neb. Const. art. V, sec. 19 (1875);  
 Amended 1912, Laws 1911, c. 225, sec. 1, p. 677;  
 Amended 1920, Constitutional Convention, 1919-1920, No. 13;  
 Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 19;  
 Amended 1958, Laws 1957, c. 216, sec. 1, p. 753.

—Adopted 1906—

**Sec. 20. Public Service Commission; membership; terms; powers.**

There shall be a Public Service Commission, consisting of not less than three nor more than seven members, as the Legislature shall prescribe, whose term of office shall be six years, and whose compensation shall be fixed by the Legislature. Commissioners shall be elected by districts of substantially equal population as the Legislature shall provide. The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as



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the Legislature may provide by law. But, in the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision.

Source:

Neb. Const. (1906);

Adopted 1906, Laws 1905, c. 233, sec. 2, p. 791;

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 20;

Amended 1962, Laws 1961, c. 251, sec. 1, p. 740;

Amended 1972, Laws 1972, LB 347, sec. 1.

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### **Sec. 21. Repealed 1972. Laws 1972, LB 302, sec. 1.**

**(Note:** The Constitutional Commission of 1970 recommended an overhaul of the sections pertaining to the Governor's appointment authority and succession in the case of a vacancy in a constitutional office. In 1972, the Legislature proposed changes in response to those recommendations. Subsequently, the subject matter in Sec. 21 was transferred to Sec. 11.

(The repealed language read, "If the office of auditor of public accounts, treasurer, secretary of state, attorney general, commissioner of public lands and buildings, or superintendent of public instruction, shall be vacated by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.)



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**Sec. 22. Executive officials to keep accounts; reports; false reports, penalty.**

The Legislature shall provide by statute for the keeping of accounts and the reporting by those agencies of the state which are required to administer cash funds not subject to appropriation by the Legislature, and an annual report thereof shall be made to the Governor under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

Source:

Neb. Const. art. V, sec. 21 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 22;

Amended 1964, Laws 1963, c. 302, sec. 2(2), p. 895.

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**Sec. 21.** An account shall be kept by the officers of the executive department, and of all the public institutions of the state of all moneys received or disbursed by them severally from all sources, and for every service performed, and a semi-annual report thereof be made to the governor, under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

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**Sec. 23. Executive officials and heads of institutions; reports to Legislature; information from expending agencies.**

All expending agencies of the state as the Legislature may provide shall at least ten days preceding each regular session of the Legislature severally report to the Governor, who shall transmit such reports to the Legislature, together with the reports of the Judges of the Supreme Court of defects in the constitution and laws, and the Governor or the Legislature may at any time require information, in writing, under oath, from the officers of all expending agencies, upon any subject relating to the condition, management and expenses of their respective offices.

Source:

**Sec. 22.** The officers of the executive department and of all the public institutions of the state shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature, together with the reports of the judges of the supreme court, of defects in the constitution and laws, and the governor, or either house of the legislature, may at any time require information in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices.



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Neb. Const. art. V, sec. 22 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 23;  
Amended 1964, Laws 1963, c. 302, sec. 2(2), p. 895.

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**Sec. 23.** There shall be a seal of the state, which seal of state shall be called the "Great seal of the state of Nebraska," which shall be kept by the secretary of state, and used by him officially, as directed by law.

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**Sec. 13.** There shall be a seal of the State, which shall be kept by the Governor, and used by him officially; and shall be called "The Great Seal of the State of Nebraska."

**Sec. 24. Great seal.**  
There shall be a seal of the state, which shall be called the "Great Seal of the State of Nebraska," which shall be kept by the Secretary of State and used by him officially as directed by law.  
Source:  
Neb. Const. art. V, sec. 23 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 24.

**Sec. 25. Salaries of officials; fees.**  
The officers provided for in this article shall receive such salaries as may be provided by law. Such officers, or such other officers as may be provided for by law, shall not receive for their own use any fees, costs, or interest upon public money in their hands. All fees that may hereafter be payable by law for services performed, or received by an officer provided for in this article, by virtue of his office shall be paid forthwith into the state treasury.  
Source:  
Neb. Const. art. V, sec. 24 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 13;  
Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 25;  
Amended 1956, Laws 1955, c. 193, sec. 1, p. 555.

**Sec. 24.** The salaries of the governor, auditor of public accounts, and treasurer, shall be two thousand five hundred (\$2,500) dollars each per annum, and of the secretary of state, attorney-general, superintendent of public instruction, and commissioner of public lands and buildings, two thousand (\$2,000) dollars each per annum. The lieutenant-governor shall receive twice the compensation of a senator, and after the adoption of this constitution they shall not receive to their own use any fees, costs, interest upon public moneys in their hands or under their control, perquisites of office or other compensation, and all fees that may hereafter be payable by law for services performed by any officer, provided for in this article of the constitution, shall be paid in advance into the state treasury. There shall be no allowance for clerk hire in the offices of

**Sec. 18.** The Governor shall receive during his continuance in office an annual compensation of one thousand dollars; the Secretary of State, six hundred dollars; the State Treasurer, four hundred dollars; and the State Auditor, eight hundred dollars.



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<p><b>Sec. 26. Officials to give bonds.</b>                      All officers of government shall give bond as may be prescribed by law.                      Source:                      Neb. Const. art. V, sec. 25 (1875);                      Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 26;                      Amended 1964, Laws 1963, c. 302, sec. 2(2), p. 895.</p>	<p>the superintendent of public instruction and attorney-general.</p> <p><b>Sec. 25.</b> The officers mentioned in this article shall give bonds in not less than double the amount of money that may come into their hands, and in no case in less than the sum of fifty thousand dollars, with such provisions as to sureties and the approval thereof, and for the increase of the penalty of such bonds as may be prescribed by law.</p>	
<p><b>Sec. 27. Executive offices; creation of.</b>                      No executive state office other than herein provided shall be created except by a two-thirds majority of all members elected to the Legislature.                      Source:                      Neb. Const. art. V, sec. 26 (1875);                      Amended 1920, Constitutional Convention, 1919-1920, No. 13;                      Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 27;                      Amended 1972, Laws 1971, LB 341, sec. 1.</p>	<p><b>Sec. 26.</b> No other executive state office shall be created, and the duties now devolving upon officers not provided for by this constitution shall be performed by the officers herein created.</p>	
<p>—Added 1920—</p> <p><b>Sec. 28. Tax Equalization and Review Commission; members; powers; Tax Commissioner; powers.</b>                      By January 1, 1997, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor as provided by law. The commission shall have power to review and</p>		



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equalize assessments of property for taxation within the state and shall have such other powers and perform such other duties as the Legislature may provide. The terms of office and compensation of members of the commission shall be as provided by law.

A Tax Commissioner shall be appointed by the Governor with the approval of the Legislature. The Tax Commissioner may have jurisdiction over the administration of the revenue laws of the state and such other duties and powers as provided by law. The Tax Commissioner shall serve at the pleasure of the Governor.

Source:

Neb. Const. art. V, sec. 27 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 14;

Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 28;

Amended 1996, Laws 1995, LR 3CA, sec. 1.

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**Article V  
Judicial**

**Sec. 1. Power vested in courts; Chief Justice; powers.**

The judicial power of the state shall be vested in a Supreme Court, an appellate court, district courts, county courts, in and for each county, with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof.

Source:  
Neb. Const. art. VI, sec. 1 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 15;  
Transferred by Constitutional Convention, 1919-1920, art. V, sec. 1;  
Amended 1970, Laws 1969, c. 419, sec. 1, p. 1432;  
Amended 1990, Laws 1990, LR 8, sec. 1.

**Sec. 2. Supreme Court; number of judges; quorum; jurisdiction; retired judges, temporary duty; court divisions; assignments by Chief Justice.**

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**Article VI  
The Judicial Department**

**Sec.1.** The judicial power of this state shall be vested in a supreme court, district courts, county courts, justices of the peace, police magistrates, and in such other courts inferior to the district courts as may be created by law for cities and incorporated towns.

**Sec. 2.** The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or to pronounce a decision. It shall have original jurisdiction in cases relating

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**Article IV  
Judiciary**

**Sec. 1.** The judicial power of the State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such inferior courts as the Legislature may from time to time establish.

The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and shall hold a term of the Supreme Court at the seat of government of the State annually. Said Supreme Judges shall be elected by the qualified electors of the State, at such time, and in such manner as may be provided by law. Said Justices of the Supreme Court shall hold their office for the term of six years from the time of their election and until their successors shall have been elected and qualified.

**Sec. 1.** The judicial power of the State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such inferior courts as the Legislature may from time



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The Supreme Court shall consist of seven judges, one of whom shall be the Chief Justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Legislature may provide that any judge of the Supreme Court or judge of the appellate court created pursuant to Article V, section 1, of this Constitution who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court or the appellate court to act as associate judges of the Supreme Court, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court or the appellate court are so acting, the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court or the appellate court so appointed shall serve during the pleasure of the court

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to the revenue, civil cases in which the state shall be a party, mandamus, quo warranto, habeas corpus, and such appellate jurisdiction as may be provided by law.

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to time establish.  
 The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and shall hold a term of the Supreme Court at the seat of government of the State annually. Said Supreme Judges shall be elected by the qualified electors of the State, at such time, and in such manner as may be provided by law. Said Justices of the Supreme Court shall hold their office for the term of six years from the time of their election and until their successors shall have been elected and qualified.  
 Sec. 3. The Supreme Court shall have appellate jurisdiction only except in cases relating to revenue, mandamus, quo warranto, habeas corpus, and such cases of impeachment as may be required to be tried before it; and both the Supreme and District Courts shall have both chancery and common law jurisdiction.



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and shall have all the powers of judges of the Supreme Court. The Chief Justice shall make assignments of judges to the divisions of the court, preside over the division of which he or she is a member, and designate the presiding judge of the other division. The judges of the Supreme Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute and all appeals involving capital cases and may review any decision rendered by a division of the court. In such cases, in the event of the disability or disqualification by interest or otherwise of any of the judges of the Supreme Court, the court may appoint judges of the district court or the appellate court to sit temporarily as judges of the Supreme Court, sufficient to constitute a full court of seven judges. Judges of the district court or the appellate court shall receive no additional salary by virtue of their appointment and service as herein provided, but they shall be reimbursed their necessary traveling and hotel expenses.

Source:

Neb. Const. art. VI, sec. 2 (1875);

Amended 1908, Laws 1907, c. 202, sec. 1, p. 581;

Amended 1920, Constitutional Convention, 1919-1920, Nos. 15 and 16;

Transferred by Constitutional Convention, 1919-1920, art. V, sec. 2;

Amended 1968, Laws 1967, c. 316, sec. 1, p. 846;

Amended 1970, Laws 1969, c. 420, sec. 1, p. 1434;

Amended 1990, Laws 1990, LR 8, sec. 1

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**Sec. 3. Terms of Supreme Court.**

At least two terms of the supreme court shall be held each year, at the seat of government.

Source:

Neb. Const. art. VI, sec. 3 (1875);

Transferred by Constitutional Convention, 1919-1920, art. V, sec. 3.

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**Sec. 3.** At least two terms of the supreme court shall be held each year at the seat of government.

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**Sec. 4. Chief Justice and Judges of the Supreme Court; selection; residence; location of offices.**

The Chief Justice and the Judges of the Supreme Court shall be selected as provided in this Article V. They may reside at the place where the court is located but shall reside within the state, and no Chief Justice or Judge of the Supreme Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected. The offices of the Chief Justice and Judges of the Supreme Court shall be at the place where the court is located.

Source:

Neb. Const. art. VI, sec. 4 (1875);

Amended 1908, Laws 1907, c. 202, sec. 2, p. 581;

Amended 1920, Constitutional Convention, 1919-1920, No. 17;

Transferred by Constitutional Convention, 1919-1920, art. V, sec. 4;

Amended 1962, Laws 1961, c. 252, sec. 2(2), p. 742;

Amended 1998, Laws 1998, LR 303CA, sec. 1.

**Sec. 4.** The judges of the supreme court shall be elected by the electors of the state at large, and their terms of office, except of those chosen at the first election, as hereinafter provided, shall be six years.

**Sec. 5. Supreme Court judicial districts; redistricting; when.**

The Legislature shall divide the state into six contiguous and compact districts of

**Sec. 5.** The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot, so that one shall hold his office for the term of two years,



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approximately equal population, which shall be numbered from one to six, which shall be known as the Supreme Court judicial districts. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established districts which they shall represent for the balance of their terms.

Source:

Neb. Const. art. VI, sec. 5 (1875);

Amended 1908, Laws 1907, c. 202, sec. 3, p. 581;

Amended 1912, Laws 1911, c. 226, sec. 1, p. 679;

Amended 1920, Constitutional Convention, 1919-1920, No. 17;

Transferred by Constitutional Convention, 1919-1920, art. V, sec. 5;

Amended 1962, Laws 1961, c. 252, sec. 2(2), p. 742;

Amended 1970, Laws 1969, c. 421, sec. 1, p. 1437.

### **Sec. 6. Chief Justice to preside.**

The Chief Justice shall preside at all terms and sittings of the supreme court, and in his absence or disability the judges present shall select one of their number chief justice pro tempore.

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one for the term of four years, and one for the term of six years.

**Sec. 6.** The judge of the supreme court having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and as such shall preside at all terms of the supreme court; and

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Source:  
 Neb. Const. art. VI, sec. 6 (1875);  
 Amended 1908, Laws 1907, c. 202, sec. 4, p. 582;  
 Amended 1920, Constitutional Convention,  
 1919-1920, No. 15;  
 Transferred by Constitutional Convention, 1919-  
 1920, art. V, sec. 6.

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in case of his absence, the judge having in like  
 manner the next shortest term to serve shall  
 preside in his stead.

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**Sec. 7. Chief Justice; Associate Justices;  
 qualifications.**

No person shall be eligible to the office of Chief  
 Justice or Judge of the Supreme Court unless he  
 shall be at least thirty years of age, and a citizen  
 of the United States, and shall have resided in  
 this state at least three years next preceding  
 his selection; nor, in the case of a Judge of the  
 Supreme Court selected from a Supreme Court  
 judicial district, unless he shall be a resident and  
 elector of the district from which selected.

Source:  
 Neb. Const. art. VI, sec. 7 (1875);  
 Amended 1920, Constitutional Convention,  
 1919-1920, No. 15;  
 Transferred by Constitutional Convention, 1919-  
 1920, art. V, sec. 7;  
 Amended 1962, Laws 1961, c. 252, sec. 2(2), p.  
 742.

**Sec. 7.** No person shall be eligible to the office  
 of judge of the supreme court unless he shall be  
 at least thirty years of age, and a citizen of the  
 United States; nor unless he shall have resided  
 in this state at least three years next preceding  
 his election.

**Sec. 8. Supreme Court appoint staff; budget;  
 copyright of state reports.**

The Supreme Court shall appoint such staff  
 as may be needed for the proper dispatch  
 of the business of the court. The court shall  
 prepare and recommend to each session of the  
 Legislature a budget of the estimated expenses

**Sec. 8.** There shall be appointed by the supreme  
 court a reporter, who shall also act as clerk of  
 the supreme court, and librarian of the law  
 and miscellaneous library of the state, whose  
 term of office shall be four years, unless sooner  
 removed by the court, whose salary shall be  
 fixed by law, not to exceed fifteen hundred



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of the court. The copyright of the state reports shall forever remain the property of the state.

Source:

Neb. Const. art. VI, sec. 8 (1875);  
 Amended 1920, Constitutional Convention, 1919-1920, No. 15;  
 Transferred by Constitutional Convention, 1919-1920, art. V, sec. 8;  
 Amended 1972, Laws 1971, LB 333, sec. 1;  
 Amended 1990, Laws 1990, LR 8, sec. 1.

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dollars per annum. The copyright of the state reports shall forever belong to the state.

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### **Sec. 9. District courts; jurisdiction; felons may plead guilty; sentence.**

The district courts shall have both chancery and common law jurisdiction, and such other jurisdiction as the Legislature may provide; and the judges thereof may admit persons charged with felony to a plea of guilty and pass such sentence as may be prescribed by law.

Source:

Neb. Const. art. VI, sec. 9 (1875);  
 Transferred by Constitutional Convention, 1919-1920, art. V, sec. 9.

**Sec. 9.** The district courts shall have both chancery and common law jurisdiction, and such other jurisdiction as the legislature may provide, and the judges thereof may admit persons charged with felony, to a pleas of guilty, and pass such sentence as may be prescribed by law.

**Sec. 4.** The jurisdiction of the several courts herein provided for, both appellate and original shall be as fixed by law; Provided, that Probate Courts, Justices of the Peace or any inferior court that may be established by the Legislature shall not have jurisdiction in any matter wherein the title or boundaries of land may be in dispute. Nor shall either of the courts mentioned in this proviso have power to order or decree the sale or partition of real estate: and Provided, further, that Justices of the Peace, and such inferior courts as may be established by the Legislature, shall not have jurisdiction when the debt, or sum claimed shall exceed one hundred dollars, and the jurisdiction of the District and Probate courts, and Justices of the Peace shall be uniform throughout the State.

### **Sec. 10. District court judicial districts.**

The state shall be divided into district court judicial districts. Until otherwise provided by law, the boundaries of the judicial districts and the number of judges of the district courts shall

**Sec. 10.** The state shall be divided into six house judicial districts, in each of which shall be elected by the electors thereof, one judge, who shall be judge of the district court therein, and whose term of office shall be four years.

**Sec. 2.** The State shall be divided into three judicial districts, and the District Courts shall be held at such times and places as may be provided by law, and the Legislature shall by law assign the Justices to hold District Courts



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remain as now fixed. The judges of the district courts shall be selected from the respective districts as provided in this Article V.

Source:  
Neb. Const. art. VI, sec. 10 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 15;  
Transferred by Constitutional Convention, 1919-1920, art. V, sec. 10;  
Amended 1962, Laws 1961, c. 252, sec. 2(2), p. 742.

**Sec. 11. District court judges; change of number; boundaries.**  
The Legislature may change the number of judges of the district courts and alter the boundaries of judicial districts. Such change in number or alterations in boundaries shall not vacate the office of any judge. Such districts shall be formed of compact territory bounded by county lines.  
Source:  
Neb. Const. art. VI, sec. 11 (1875);  
Amended 1920, Constitutional Convention,

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Until otherwise provided by law, said districts shall be as follows:  
First District. The counties of Richardson, Johnson, Pawnee, Gage, Jefferson, Saline, Thayer, Clay, Nuckolls and Fillmore.  
Second District. The counties of Nemaha, Otoe, Cass and Lancaster.  
Third District. The counties of Douglas, Sarpy, Washington and Burt.  
Fourth District. The counties of Saunders, Dodge, Butler, Colfax, Platte, Polk, Merrick, Hamilton, York, Seward, Hall and Howard.  
Fifth District. The counties of Buffalo, Adams, Webster, Franklin, Harlan, Kearney, Phelps, Gosper, Furnas, Hitchcock, Dundy, Chase, Cheyenne, Keith, Lincoln, Dawson, Sherman, Red Willow, Frontier, and the unorganized territory west of said district.  
Sixth District. The counties of Cuming, Dakota, Dixon, Cedar, Wayne, Stanton, Madison, Boone, Pierce, Knox, Antelope, Holt, Greeley, Valley, and the unorganized territory west of said district.

**Sec. 11.** The legislature, whenever two-thirds of the members elected to each house shall concur therein, may, in or after the year one thousand eight hundred and eighty, and not oftener than once in every four years, increase the number of judges of the district courts, and the judicial districts of the state. Such districts shall be formed of compact territory, and bounded by county lines; and such increase, or any change in the boundaries of a district, shall not vacate the office of any judge.

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in the several districts: Provided, that until the Legislature shall have provided by law, the Governor shall have authority to make such assignment.

**Sec. 8.** The Legislature may, after the year one thousand eight hundred and seventy-five, increase the number of Justices of the Supreme Court, and the judicial districts of the State.





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1919-1920, No. 15;  
 Transferred by Constitutional Convention,  
 1919-1920, art. V, sec. 11;  
 Amended 1972, Laws 1971, LB 303, sec. 1.

**Sec. 12. District court judges may hold court for each other; retired judges, temporary duty.**

The judges of the district court may hold court for each other and shall do so when required by law or when ordered by the Supreme Court. The Legislature may provide that any judge of the district court who has retired may be called upon for temporary duty by the Supreme Court.

Source:

Neb. Const. art. VI, sec. 12 (1875);  
 Amended 1920, Constitutional Convention,  
 1919-1920, No. 15;  
 Transferred by Constitutional Convention,  
 1919-1920, art. V, sec. 12;  
 Amended 1970, Laws 1969, c. 420, sec. 1, p. 1434.

**Sec. 13. Supreme and district judges; salaries.**

The chief justice, the judges of the supreme court and the judges of the district court shall receive such salaries as may be provided by law.

Source:

Neb. Const. art. VI, sec. 13 (1875);  
 Amended 1908, Laws 1907, c. 202, sec. 5, p. 582;  
 Amended 1920, Constitutional Convention,  
 1919-1920, No. 15;  
 Transferred by Constitutional Convention,  
 1919-1920, art. V, sec. 13.

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**Sec. 12.** The judges of the district courts may hold courts for each other, and shall do so when required by law.

**Sec. 13.** The judges of the supreme and district courts shall each receive a salary of \$2,500 per annum, payable quarterly.

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**Sec. 6.** The salary of the Justices of the Supreme Court shall be two thousand dollars each per annum and no more; and all other judicial officers shall be paid for their services in fees to be prescribed by law.



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**Sec. 14. Supreme and district judges not to act as attorneys; judge not to practice law, when.**

No judge of the Supreme or district courts shall act as attorney or counsellor at law in any manner whatsoever. No judge shall practice law in any court in any matter arising in or growing out of any proceedings in his own court.

Source:

Neb. Const. art. VI, sec. 14 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 15;

Transferred by Constitutional Convention, 1919-1920, art. V, sec. 14;

Amended 1970, Laws 1969, c. 419, sec. 1(1), p. 1432.

**Sec. 15. Repealed 1970. Laws 1969, c. 419, sec. 1(2), p. 1432.**

(Note: Sections 15-18 were repealed as part of a restructuring of the state's lower courts. The repealed language read, "In the year 1964 and every four years thereafter, there shall be selected, in such manner as the Legislature shall provide, in and for each county, one or more judges as the Legislature may provide, who shall be judge of the county court of such county, whose term of office shall be four years and whose salary shall be fixed by the Legislature; Provided, that two or more counties may form a county court judicial district when approved by a majority of the electors of each county in the district; and provided further, when two or more counties from a county court judicial district, one county judge shall be selected for a term of four years from the

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**Sec. 14.** No judge of the supreme or district courts shall receive any other compensation, perquisite or benefit for or on account of his office in any form whatever, nor act as attorney or counselor-at-law, in any manner whatever; nor shall any salary be paid to any county judge.

**Sec. 15.** There shall be elected in and for each organized county one judge, who shall be judge of the county court of such county, and whose term of office shall be two years.

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district at the same time other county judges are selected, whose salary shall be fixed by the Legislature.)

**Sec. 16. Repealed 1970. Laws 1969, c. 419, sec. 1(2), p. 1432.**

(Note: The repealed language read, "County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and in such proceedings to find and determine heirship; appointment of guardians, and settlement of their accounts, and such other jurisdiction as may be given by general law: But they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment or a fine of over five hundred dollars; or both; nor in civil actions in which title to real estate is sought or drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor in civil actions where the debt or sum claimed shall exceed one thousand dollars.")

**Sec. 17. Repealed 1970. Laws 1969, c. 419, sec. 1(2), p. 1432.**

(Note: The repealed language read, "Appeals to the district court from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, and in such other cases as may be provided by law.")

**Sec. 18. Repealed 1970. Laws 1969, c. 419, sec. 1(2), p. 1432.**

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**Sec. 16.** County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians and settlement of their accounts, in all matters relating to apprentices; and such other jurisdiction as may be given by general law. But they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment, or a fine of over five hundred dollars; nor in actions in which title to real estate is sought to be recovered, or may be drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor in civil actions where the debt or sum claimed shall exceed one thousand dollars.

**Sec. 17.** Appeals to the district courts from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, and in such other cases as may be provided by law.

**Sec. 18.** Justices of the peace and police magistrates shall be elected in and for such

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**Sec. 5.** Probate Judges, Justices of the Peace, and persons holding inferior courts, herein



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(Note: The repealed language read, "Justices of the peace shall be elected in and for such districts for such term and have and exercise such jurisdictions as may be provided by law; but no justice of the peace shall have jurisdiction in any civil case where the amount in controversy shall exceed two hundred dollars; nor in a criminal case where the punishment may exceed three months imprisonment, and a fine of over one hundred dollars or both; nor in any matter wherein the title or boundaries of land may be in dispute.")

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districts, and have and exercise such jurisdiction as may be provided by law; Provided, That no justice of the peace shall have jurisdiction of any civil case where the amount in controversy shall exceed two hundred dollars; nor in a criminal case where the punishment may exceed three months imprisonment or a fine of over one hundred dollars; nor in any matter wherein the title or boundaries of land may be in dispute.

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authorized to be established by the Legislature, shall be elected by the electors of the several districts for which they may be elected in the manner and time fixed by law.

**Sec. 19. Practice of all courts to be uniform.**

The organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law and the force and effect of the proceedings, judgments and decrees of such courts, severally, shall be uniform.

Source:  
Neb. Const. art. VI, sec. 19 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 15;  
Transferred by Constitutional Convention, 1919-1920, art. V, sec. 19.

**Sec. 19.** All laws relating to courts shall be general and of uniform operation, and the organization of the same class or grade, so far as regulated by law and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform.

**Sec. 20. Officers in this Article; tenure; residence; duties; compensation.**

All officers provided for in this Article shall hold their offices until their successors shall be qualified and they shall respectively reside in the district or county from which they shall be selected. All officers, when not otherwise provided for in this Article, shall perform such duties and receive such compensation as may

**Sec. 20.** All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall respectively reside in the district, county or precinct for which they shall be elected or appointed. The terms of office of all such officers, when not otherwise prescribed in this article, shall be two years. All officers, when not otherwise provided for in this article, shall perform such duties and



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be prescribed by law.

Source:

Neb. Const. art. VI, sec. 20 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 15;

Transferred by Constitutional Convention, 1919-1920, art. V, sec. 20;

Amended 1962, Laws 1961, c. 252, sec. 2(2), p. 742;

Amended 1970, Laws 1969, c. 419, sec. 1, p. 1432.

**Sec. 21. Merit plan for selection of judges; terms of office; filling of vacancies; procedure; voting for nominee.**

(1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him by the appropriate judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the date it is presented to him, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme

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receive such compensation as may be provided by law.

**Sec. 21.** In case the office of any judge of the supreme court, or of any district court, shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor shall be elected and qualified, and such successor shall be elected for the unexpired term at the first general election that occurs more than thirty days after the vacancy shall have happened. Vacancies in all other elective offices provided for in this article, shall be filled by election, but when the unexpired term does not exceed one year the vacancy may be filled by appointment, in such manner as the legislature may provide.

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Court or district court or such other court or courts as the Legislature shall provide shall have his right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide; Provided, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter. In the case of the Chief Justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice, and any judge of the district court or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members,

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one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as chairman, but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of said commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of said commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his nomination or for such additional period as the Legislature shall provide. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his name submitted to the Governor.

Source:

Neb. Const. art. VI, sec. 21 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 15;

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Transferred by Constitutional Convention, 1919-1920, art. V, sec. 21;  
Amended 1962, Laws 1961, c. 252, sec. 2(2), p. 742;  
Amended 1972, Laws 1972, LB 1199, sec

**Sec. 22. State may sue and be sued.**  
The state may sue and be sued, and the Legislature shall provide by law in what manner and in what courts suits shall be brought.  
Source:  
Neb. Const. art. VI, sec. 22 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. V, sec. 22.

**Sec. 22.** The state may sue and be sued, and the legislature shall provide, by law, in what manner and in what courts suits shall be brought.

**Sec. 23. Jurisdiction of judges at chambers.**  
The several judges of the courts of record shall have such jurisdiction at chambers as may be provided by law.  
Source:  
Neb. Const. art. VI, sec. 23 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. V, sec. 23.

**Sec. 23.** The several judges of the courts of record shall have such jurisdiction at chambers as may be provided by law.

**Sec. 24. Style of process.**  
All process shall run in the name of "The State of Nebraska," and all prosecutions shall be carried on in the name of "The State of Nebraska."  
Source:  
Neb. Const. art. VI, sec. 24 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. V, sec. 24.

**Sec. 24.** All process shall run in the name of "The State of Nebraska," and all prosecutions shall be carried on in the name of "The State of Nebraska."

**Sec. 10.** All process, writs, and other proceedings shall run in the name of "The people, of the State of Nebraska."

—Adopted 1920—

**Sec. 25. Supreme Court to promulgate rules**





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**of practice; to make recommendations to Legislature.**

For the effectual administration of justice and the prompt disposition of judicial proceedings, the supreme court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, and not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Legislature by resolution shall, certify to the Legislature its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings.

Source:

Neb. Const. art. VI, sec. 25 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 15;

Transferred by Constitutional Convention, 1919-1920, art. V, sec. 25;

Amended 2000, Laws 1999, LR 18CA, sec. 3.

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**—Adopted 1920—**

**Sec. 26. Proviso as to effect of amendment.**

If the foregoing amendment shall be adopted by the electors, all existing courts which are not in the foregoing amendment specifically enumerated and concerning which no other provision is herein made, shall continue in existence and exercise their present jurisdiction, and the judges thereof shall receive their present compensation, until otherwise provided by law; and such judges or appointees to fill vacancies shall hold their offices until their successors shall be elected and qualified.

Source:



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Neb. Const. art. VI, sec. 26 (1920);  
Adopted 1920, Constitutional Convention, 1919-1920, No. 15;  
Transferred by Constitutional Convention, 1919-1920, art. V, sec. 26.

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**—Adopted 1958—**

**Sec. 27. Juvenile courts; authorization.**

Notwithstanding the provisions of section 9 of this Article, the Legislature may establish courts to be known as juvenile courts, with such jurisdiction and powers as the Legislature may provide. The term, qualification, compensation, and method of appointment or election of the judges of such courts, and the rules governing proceedings therein, may be fixed by the Legislature. The state shall be divided into juvenile court judicial districts that correspond to district court judicial districts until otherwise provided by law. No such court shall be established or afterwards abolished in any juvenile court judicial district unless approved by a majority of those voting on the issue.

Source:

Neb. Const. art. V, sec. 27 (1958);  
Adopted 1958, Laws 1957, c. 217, sec. 1, p. 754;  
Amended 1972, Laws 1971, LB 305, sec. 1.

**—Adopted 1966—**

**Sec. 28. Commission on Judicial Qualifications; appointment; composition; qualifications.**

The Legislature shall provide for a Commission on Judicial Qualifications consisting of: (1) Three judges, including one district court judge, one county court judge, and one judge of any other



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court inferior to the Supreme Court as now exists or may hereafter be created by law, all of whom shall be appointed by the Chief Justice of the Supreme Court; (2) three members of the Nebraska State Bar Association who shall have practiced law in this state for at least ten years and who shall be appointed by the Executive Council of the Nebraska State Bar Association; (3) three citizens, none of whom shall be a Justice or Judge of the Supreme Court or judge of any court, active or retired, nor a member of the Nebraska State Bar Association, and who shall be appointed by the Governor; and (4) the Chief Justice of the Supreme Court, who shall serve as its chairperson.

Source:

Neb. Const. art. V, sec. 28 (1966);

Adopted 1966, Laws 1965, c. 301, sec. 1, p. 848;

Amended 1980, Laws 1980, LB 82, sec. 1.

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### —Adopted 1966—

#### **Sec. 29. Commission on Judicial Qualifications; vote of majority required for action.**

The commission shall act by a vote of the majority of its members and no action of the commission shall be valid unless concurred in by the majority of its members.

Source:

Neb. Const. art. V, sec. 29 (1966);

Adopted 1966, Laws 1965, c. 301, sec. 1, p. 848;

Amended 1980, Laws 1980, LB 82, sec. 1.

### —Adopted 1966—

#### **Sec. 30. Judges; discipline; removal from office; grounds; procedure.**



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(1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing

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to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge

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of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before

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the commission or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing; clarifying the procedural aspects; and reciting the right of a judge to a fair hearing.

When the Commission on Judicial Qualifications determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline,

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censure, suspension, removal, or retirement.

Source:

Neb. Const. art. V, sec. 30 (1966);

Adopted 1966, Laws 1965, c. 301, sec. 1, p. 848;

Amended 1980, Laws 1980, LB 82, sec. 1;

Amended 1984, Laws 1984, LR 235, sec. 1.

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### —Adopted 1966—

#### **Sec. 31. Judges; procedure for removal from office cumulative.**

These amendments are alternative to and cumulative with the methods of removal of Justices and judges provided in Article III, section 17, and Article IV, section 5, of this Constitution, and any other provision of law relating to the methods and manner of the removal of Justices, Judges, and judges of the courts of this state.

Source:

Neb. Const. art. V, sec. 31 (1966);

Adopted 1966, Laws 1965, c. 301, sec. 1, p. 848.





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### Article VI Suffrage

#### Sec. 1. Qualifications of electors.

Every citizen of the United States who has attained the age of eighteen years on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.

Source:

Neb. Const. art. VII, sec. 1 (1875);  
Amended 1910, Laws 1909, c. 199, sec. 1, p. 666;  
Amended 1918, Laws 1918, Thirty-sixth Extraordinary Session, c. 11, sec. 1, p. 53;  
Amended 1920, Constitutional Convention, 1919-1920, No. 18;  
Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 1;  
Amended 1970, Laws 1969, c. 422, sec. 1, p. 1438;  
Amended 1972, Laws 1971, LB 221, sec. 1;  
Amended 1972, Laws 1971, LB 339, sec. 1;  
Amended 1988, Laws 1988, LR 248, sec. 1.

#### Sec. 2. Who disqualified.

No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights.

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### Article VII Rights of Suffrage

**Sec. 1.** Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state six months, and in the county, precinct, or ward, for the term provided by law, shall be an elector.

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States, on the subject of naturalization, at least thirty days prior to an election.

**Sec. 2.** No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the law of the state, or of the United States, unless restored to civil rights.

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**(The Constitution of 1866 contained no separate article for suffrage. The language was contained in the Legislative Article II, sec. 2)**

**Art. II, Sec. 2.** Every male person of the age of twenty-one years, or upwards, belonging to either of the following classes, who shall have resided in the state, county, precinct and ward, for the time provided by law, shall be an elector:

First — White citizens of the United States.

Second — White persons of foreign birth who shall have declared their intention to become citizens conformable to the laws of the United States on the subject of naturalization.



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Source:  
Neb. Const. art. VII, sec. 2 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 2.

**Sec. 3. Military or naval service; place and manner of voting.**  
Every elector in the military or naval service of the United States or of this state may exercise the right of suffrage at such place and under such regulations as may be provided by law.  
Source:  
Neb. Const. art. VII, sec. 3 (1875);  
Amended 1920, Constitutional Convention, 1919-1920, No. 19;  
Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 3.

**Sec. 3.** Every elector in the actual military service of the United States, or of this state, and not in the regular army, may exercise the right of suffrage at such place, and under such regulations as may be provided by law.

**Sec. 4. Repealed 1972. Laws 1971, LB 339, sec. 1.**  
(Note: The repealed language was the same as Sec. 4 in 1875.)

**Sec. 4.** No soldier, seaman, or marine in the army and navy of the United States, shall be deemed a resident of the state in consequence of being stationed therein.

**Sec. 5. Electors; privileged from arrest.**  
Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same.  
Source:  
Neb. Const. art. VII, sec. 5 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 5;  
Amended 1972, Laws 1971, LB 339, sec. 1.

**Sec. 5.** Electors shall in all cases, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same, and no elector shall be obliged to do military duty on the days of election, except in time of war and public danger.



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**Sec. 6. Votes, how cast.**

All votes shall be by ballot or by other means authorized by the Legislature whereby the vote and the secrecy of the elector's vote will be preserved.

Source:

Neb. Const. art. VII, sec. 6 (1875);

Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 6;

Amended 1972, Laws 1971, LB 339, sec. 1.

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**Sec. 6.** All votes shall be by ballot.

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### Article VII Education

**(Note:** In 1972, following recommendations of the Constitutional Revision Commission, the Legislature proposed and the voters subsequently approved, a recodification of the Education Article that reordered or amended secs. 1,2,3,4,6,7,8, and 9 and secs. 14-16 and outright repealed sec. 17. A pre-1972 version of the Constitution can be found in the 1972 Session Laws.)

**Sec. 1. Legislature; free instruction in common schools; provide.**

The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

Source:

Neb. Const. art. VIII, sec. 1 (1875);

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 1;

Amended 1940, Laws 1939, c. 109, sec. 1, p. 477;

Amended 1952, Laws 1951, c. 164, sec. 2(3), p. 646;

Amended 1954, Laws 1953, c. 174, sec. 1, p. 554;

Amended 1970, Laws 1969, c. 423, sec. 1, p. 1439;

Amended 1972, Laws 1972, LB 1023, sec. 1.

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### Article VIII Education

**Sec. 6.** The legislature shall provide for the free common instruction in the common schools of this state, of | all persons between the ages of five and twenty-one years.

**Sec. 12.** The legislature may provide by law for the establishment of a school or schools for the safekeeping, education, employment, and reformation of all children under the age of sixteen years, who, for want of proper parental care, or other cause, are growing up in mendicancy, or crime.

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### Article VII Education



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### **Sec. 2. State Department of Education; general supervision of school system.**

The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct.

Source:

Neb. Const. art. VIII, sec. 2 (1875);

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 2;

Amended 1972, Laws 1972, LB 1023, sec. 1.

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**(Note:** The constitutional amendment creating the state Department of Education, the Board of Education, and the Commissioner of Education was adopted by voters in 1952. This system replaced the State Superintendent of Public Instruction, a position first created via legislation in 1866 and included as one of the original executive officers in the Constitution of 1875. See Art. V, Sec. 1, 1875.)

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### **Sec. 3. State Board of Education; members; election; manner of election; term of office.**

The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a nonpartisan ballot.

Source:

Neb. Const. art. VIII, sec. 3 (1875);

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 3;

Amended 1972, Laws 1972, LB 1023, sec. 1.



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**Sec. 4. State Board of Education; Commissioner of Education; appointment; powers; duties.**

The State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education, and who shall have such powers and duties as the Legislature may direct. The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.

Source:

Neb. Const. art. VIII, sec. 4 (1875);

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 4;

Amended 1966, Laws 1965, c. 294, sec. 1, p. 836;

Amended 1972, Laws 1972, LB 1023, sec. 1.

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**Sec. 5.** All fines, penalties, and license moneys arising under the general laws of the state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license moneys arising under the rules, by-laws, or ordinances of cities, villages, towns, precincts, or other municipal sub-divisions less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license moneys shall be appropriated exclusively to the use and support of common schools in the respective sub-divisions where the same may accrue.

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**Sec. 5. Fines, penalties, and license money; allocation; use of forfeited conveyances.**

(1) Except as provided in subsections (2) and (3) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county



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shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five per cent in a fund for state highways and twenty-five per cent to the county general fund where the fine or penalty is paid.

(2) Fifty per cent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

Source:

Neb. Const. art. VIII, sec. 5 (1875);

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 5;

Amended 1956, Laws 1955, c. 195, sec. 1, p. 558;

Amended 1984, Laws 1984, LR 2, sec. 1.

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**Sec. 6. Educational lands; management; Board of Educational Lands and Funds; members; appointment; sale of lands.**  
No lands now owned or hereafter acquired

**Sec. 1.** The governor, secretary of state, treasurer, attorney-general, and commissioner of public lands and buildings, shall, under the direction of the legislature, constitute a board of

**Sec. 2.** The university lands, school lands, and all other lands which have been acquired by the Territory of Nebraska, or which may hereafter be acquired by the State of Nebraska



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by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide.

Source:  
Neb. Const. art. VIII, sec. 6 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 6;  
Amended 1972, Laws 1972, LB 1023, sec. 1.

### **Sec. 7. Perpetual funds enumerated.**

The following are hereby declared to be perpetual funds for common school purposes, including early childhood educational purposes operated by or distributed through the common schools, of which the annual interest or income only can be appropriated, to wit:  
First. Such percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.  
Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.  
Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where

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commissioners for the sale, leasing, and general management of all lands and funds set apart for educational purposes, and for the investment of school funds in such manner as may be prescribed by law.

**Sec. 2.** All lands, money, or other property granted, or bequeathed, or in any manner conveyed to this state for educational purposes, shall be used and expended in accordance with the terms of such grant, bequest or conveyance.

**Sec. 8.** University, agricultural college, common school, or other lands, which are now held, or may hereafter be acquired by the state for educational purposes, shall not be sold for less than seven dollars per acre, nor less than the appraised value.

**Sec. 3.** The following are hereby declared to be perpetual funds for common school purposes, of which the annual interest or income only can be appropriated, to wit:  
First. Such per centum as has been, or may hereafter be, granted by congress on the sale of lands in this state.  
Second. All moneys arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected in lieu thereof.  
Third. The proceeds of all lands that have been, or may hereafter be granted to this state, where, by the terms and conditions of such grant, the same are not to be otherwise appropriated.  
Fourth. The net proceeds of lands and other

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for educational or school purposes, shall not be aliened or sold for a less sum than five dollars per acre.





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by the terms and conditions of such grant the same are not to be otherwise appropriated. Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

Source:

Neb. Const. art. VIII, sec. 7 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 20;

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 7;

Amended 1972, Laws 1972, LB 1023, sec. 1;

Amended 2006, Laws 2006, LB 1006, sec. 1.

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property and effects that may come to the state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All moneys, stocks, bonds, lands and other property, now belonging to the common school fund.

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### **Sec. 8. Trust funds belong to state for educational purposes; use; investment.**

All funds belonging to the state for common school purposes, including early childhood educational purposes operated by or distributed through the common schools, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in this Constitution, such funds shall be invested as the

**Sec. 9.** All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds held by the state, and the state shall supply all losses thereof that may in any manner accrue, so that the same shall remain forever inviolate and undiminished; and shall not be invested or loaned except on United States or state securities, or registered county bonds of this state; and such funds, with the interest and income thereof, are hereby solemnly pledged for the purposes for which they are granted and set apart, and shall not be transferred to any other fund for other uses.

**Sec. 1.** The principal of all funds arising from the sale, or other disposition of lands or other property, granted or intrusted to this State for educational and religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations. The Legislature shall make such provisions by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but no religious sect or sects, shall ever have any exclusive right to, or control of any part of the school funds of this State.



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Legislature may by statute provide.

Source:

Neb. Const. art. VIII, sec. 8 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 21;

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 8;

Amended 1972, Laws 1972, LB 1023, sec. 1;

Amended 2006, Laws 2006, LB 1006, sec. 1.

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**Sec. 9. Educational funds; trust funds; use; early childhood education endowment fund; created; use; early childhood education, defined.**

(1) The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state or for early childhood education operated by or distributed through the common schools as provided in subsection (3) of this section, as the Legislature shall provide:

- (a) Income arising from the perpetual funds;
- (b) The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied;
- (c) All other grants, gifts, and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift, or devise; and
- (d) Such other support as the Legislature may provide.

(2) No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term

**Sec. 4.** All other grants, gifts and devises that have been, or may hereafter be made to this state, and not otherwise appropriated by the terms of the grant, gift, or devise, the interest arising from all the funds mentioned in the preceding section, together with all the rents of the unsold school lands, and such other means as the legislature may provide, shall be exclusively applied to the support and maintenance of common schools in each school district in the state.

**Sec. 7.** Provisions shall be made by general law for an equitable distribution of the income of the fund set apart for the support of the common schools, among the several school districts of the state, and no appropriation shall be made from said fund to any district for the year in which school is not maintained at least three months.



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required by law.

(3)(a) An early childhood education endowment fund shall be created for the purpose of supporting early childhood education in this state as provided by the Legislature.

(b) An amount equal to forty million dollars of the funds belonging to the state for common school and early childhood educational purposes operated by or distributed through the common schools described in Article VII, section 7, of this Constitution shall be allocated for the early childhood education endowment fund.

(c) Only interest or income on such early childhood education endowment fund may be appropriated as provided by the Legislature for the benefit of the common schools and for the exclusive purpose of supporting early childhood education in this state.

(d) For purposes of Article VII of this Constitution, early childhood education means programs operated by or distributed through the common schools promoting development and learning for children from birth to kindergarten-entrance age.

(e) If the annual income from twenty million dollars of private funding is not irrevocably committed by July 1, 2011, to the use of the early childhood education endowment fund, then the forty-million-dollar allocation pursuant to subdivision (3)(b) of this section may revert to the use of the common schools as the Legislature shall determine.

Source:

Neb. Const. art. VIII, sec. 9 (1875);

Amended 1908, Laws 1907, c. 201, sec. 1, p. 580;

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Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 9;  
Amended 1966, Laws 1965, c. 302, sec. 2(1), p. 852;  
Amended 1970, Laws 1969, c. 423, sec. 1, p. 1439;  
Amended 1972, Laws 1972, LB 1023, sec. 1;  
Amended 2006, Laws 2006, LB 1006, sec. 1.

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**Sec. 10.** The general government of the University of Nebraska shall, under the direction of the legislature, be vested in a board of six regents, to be styled the board of regents of the university of Nebraska, who shall be elected by the electors of the state at large, and their term of office, except those chosen at the first election, as hereinafter provided, shall be six years. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

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**Sec. 10. University of Nebraska; government; Board of Regents; election; student membership; terms.**  
The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties. The Legislature shall divide the state, along



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county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively. The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

Source:

Neb. Const. art. VIII, sec. 10 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 22;

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 10;

Amended 1968, Laws 1967, c. 320, sec. 1, p. 853;

Amended 1974, Laws 1974, LB 323, sec. 1.

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**Sec. 11. Appropriation of public funds; handicapped children; sectarian instruction; religious test of teacher or student.**

Notwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof;

**Sec. 11.** No sectarian instruction shall be allowed in any school or institution supported in whole or in part by the public funds set apart for educational purposes; nor shall the state accept any grant, conveyance, or bequest of money, lands or other property, to be used for sectarian purposes.



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Provided, that the Legislature may provide that the state or any political subdivision thereof may contract with institutions not wholly owned or controlled by the state or any political subdivision to provide for educational or other services for the benefit of children under the age of twenty-one years who are handicapped, as that term is from time to time defined by the Legislature, if such services are nonsectarian in nature.

All public schools shall be free of sectarian instruction.

The state shall not accept money or property to be used for sectarian purposes; Provided, that the Legislature may provide that the state may receive money from the federal government and distribute it in accordance with the terms of any such federal grants, but no public funds of the state, any political subdivision, or any public corporation may be added thereto.

A religious test or qualification shall not be required of any teacher or student for admission or continuance in any school or institution supported in whole or in part by public funds or taxation.

Source:

Neb. Const. art. VIII, sec. 11 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 23;

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 11;

Amended 1972, Laws 1971, LB 656, sec. 1;

Amended 1976, Laws 1976, LB 666, sec. 1.

Note: Pursuant to *Cunningham v. Exon*, 207 Neb. 513, 300 N.W.2d 6 (1980), the third paragraph in this section has been reinstated.

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**Sec. 12. Education and reform of minors.**

The Legislature may provide by law for the establishment of a school or schools for the safe keeping, education, employment and reformation of all children under the age of eighteen years, who, for want of proper parental care, or other cause, are growing up in mendicancy or crime.

Source:

Neb. Const. art. VIII, sec. 12 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 24;

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 12.

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**Sec. 12.** The legislature may provide by law for the establishment of a school or schools for the safekeeping, education, employment, and reformation of all children under the age of sixteen years, who, for want of proper parental care, or other cause, are growing up in mendicancy, or crime.

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—Added 1920—

**Sec. 13. State colleges; government; board; name; selection; duties; compensation.**

The general government of the state colleges as now existing, and such other state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.



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Source:

Neb. Const. art. VIII, sec. 13 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 25;

Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 13;

Amended 1952, Laws 1951, c. 164, sec. 2(4), p. 646;

Amended 1968, Laws 1967, c. 315, sec. 1, p. 845.

**(Note:** The Constitutional Revision Commission of 1970 rewrote Sections 14, 15, and 16, as they then existed, and placed them in sections 2, 3, and 4.)

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### —Added 1990—

**Sec. 14. Coordinating Commission for Postsecondary Education; membership; powers and duties; coordination, defined.**

On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational institutions shall include each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:





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(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature. The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska

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State Colleges as provided in the Constitution of Nebraska, Article VII, sections 10 and 13. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of the Legislature. Six of the members shall be chosen from six districts of approximately equal population and five shall be chosen on a statewide basis.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses.

Source:

Neb. Const. art. VII, sec. 14 (1990);

Adopted 1990, Laws 1990, LB 1141, sec. 1.

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### Sec. 15. Omitted.

(Note: The omitted language read, "(1) The members of the Board of Regents and the State



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Board of Education shall be ineligible to file for re-election to their respective offices and shall be ineligible to file for re-election to their respective offices and shall be ineligible to serve in their respective offices for a number of years equal to the term for which they were last elected next after the expiration of the second of two consecutive terms for which they were previously elected after the general election and as further provided in Article XV Section 21. (2) The voters of the state may lengthen, shorten, or eliminate the limitation on terms of office for the State Board of Education or the governing board of a state institution of higher education imposed by this Section 15.”)

Source:

Note: Article VII, section 15, of the Constitution of Nebraska, as adopted in 1992 by Initiative 407, has been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 245 Neb. 907, 515 N.W.2d 788 (1994).

Note: Article VII, section 15, of the Constitution of Nebraska, as adopted in 1994 by Initiative 408, has been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

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—Added 1952—

**Sec. 16. Repealed 1972. Laws 1972, LB 1023, sec. 1.**

(Note: The repealed language read “The State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the Executive Officer of the State Board of Education and the



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administrative head of the State Department of Education, and who shall have such powers and duties as the Legislature may direct. The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.)

### —Added 1952—

**Sec. 17. Repealed 1972. Laws 1972, LB 1023, sec. 1.**

(**Note:** The Constitutional Revision Commission of 1970 deleted the language in section 17, which had been added as transitional language in 1952 with the creation of the state Department of Education. The repealed language read, "All provisions in the Constitution of Nebraska and laws of the state relating to the Superintendent of Public Instruction shall, insofar as such provisions are applicable, apply to and mean the State Department of Education, the State Board of Education, or the Commissioner of Education as the case may be.")

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### Article VIII Revenue

#### Sec. 1. Revenue; raised by taxation; legislative powers.

The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce,

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### Article IX Revenue and Finance

**Sec. 1.** The legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property and franchises, the value to be ascertained in such manner as the legislature shall direct, and it shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, inn-keepers, liquor dealers, toll bridges, ferries, insurance, telegraph and express interests or business, venders of patents, in such manner as it shall direct by general law, uniform as to the class upon which it operates.

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### Article V Finance

**Sec. 3.** The Legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year, and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

**Art. VIII, Sec. 3.** The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.



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and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute

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a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

Source:

Neb. Const. art. IX, sec. 1 (1875);  
Amended 1920, Constitutional Convention,  
1919-1920, No. 26;

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Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 1;  
 Amended 1952, Laws 1951, c. 160, sec. 1, p. 636;  
 Amended 1954, Laws 1954, Sixty-sixth Extraordinary Session, c. 3, sec. 1, p. 61;  
 Amended 1960, Laws 1959, c. 238, sec. 1, p. 823;  
 Amended 1964, Laws 1963, c. 298, sec. 1, p. 887;  
 Amended 1964, Laws 1963, c. 301, sec. 1, p. 892;  
 Amended 1972, Laws 1972, LB 837, sec. 1;  
 Amended 1978, Laws 1978, First Spec. Sess., LR 1, sec. 1;  
 Amended 1984, Laws 1984, First Spec. Sess., LR 7, sec. 1;  
 Amended 1990, Laws 1989, LR 2, sec. 1;  
 Amended 1992, Laws 1992, LR 219CA, sec. 1;  
 Amended 1998, Laws 1998, LR 45CA, sec. 1.

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### —Added 1954—

#### **Sec. 1A. Levy of property tax for state purposes; prohibition.**

The state shall be prohibited from levying a property tax for state purposes.

Source:

Neb. Const. art. VIII, sec. 1A (1954);  
 Adopted 1954, Laws 1954, Sixty-sixth Extraordinary Session, c. 5, sec. 1, p. 65;  
 Amended 1966, Initiative Measure No. 301.

### —Added 1966—

#### **Sec. 1B. Income tax; may be based upon the laws of the United States.**

When an income tax is adopted by the Legislature, the Legislature may adopt an income tax law based upon the laws of the United States.





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Source:  
Neb. Const. art. VIII, sec. 1B (1966);  
Adopted 1966, Laws 1965, c. 292, sec. 1, p. 833.

—Added 1960—

**Sec. 2A. Exemption of personal property in transit in licensed warehouses or storage areas.**

The Legislature may establish bonded and licensed warehouses or storage areas for goods, wares and merchandise in transit in the state which are intended for and which are shipped to final destinations outside this state upon leaving such warehouses or storage areas, and may exempt such goods, wares and merchandise from ad valorem taxation while in such storage areas.

Source:  
Neb. Const. art. VIII, sec. 2A (1960);  
Adopted 1960, Laws 1959, c. 239, sec. 1, p. 825.

**Sec. 2. Exemption of property from taxation; classification.**

Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized

**Sec 2.** The property of the state, counties and municipal corporations, both real and personal, shall be exempt from taxation, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation, but such exemptions shall be only by general law. In the assessment of real estate encumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property. The legislature may provide that the increased value of lands, by reason of live fences, fruit and forest trees grown



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public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature

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and cultivated thereon, shall not be taken into account in the assessment thereof.

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may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; and (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation.

Source:

Neb. Const. art. IX, sec. 2 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 27;

Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 2;

Amended 1954, Laws 1954, Sixty-sixth Extraordinary Session, c. 4, sec. 1, p. 63;

Amended 1964, Laws 1963, c. 300, sec. 1, p. 890;

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Amended 1966, Laws 1965, c. 303, sec. 1, p. 854;  
Amended 1968, Laws 1967, c. 318, sec. 1, p. 850;  
Amended 1970, Laws 1969, c. 425, sec. 1, p. 1443;  
Amended 1980, Laws 1980, LB 740, sec. 1;  
Amended 1992, Laws 1992, LR 219CA, sec. 1;  
Amended 1998, Laws 1998, LR 45CA, sec. 3;  
Amended 2004, Laws 2003, LR 2CA, sec. 1.

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**Sec. 3.** The right of redemption from all sales of real estate, for the non-payment of taxes or special assessment of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof; Provided, That occupants shall in all cases be served with personal notice before the time of redemption expires.

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**Sec. 3. Redemption from sales of real estate for taxes.**

The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

Source:  
Neb. Const. art. IX, sec. 3 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 3.

**Sec. 4. Legislature has no power to remit taxes; exception; cancellation of taxes on land acquired by the state.**

Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from

**Sec. 4.** The legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever.



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their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever; Provided, that the Legislature may provide by law for the payment or cancellation of taxes or assessments against real estate remaining unpaid against real estate owned or acquired by the state or its governmental subdivisions.

Source:  
 Neb. Const. art. IX, sec. 4 (1875);  
 Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 4;  
 Amended 1958, Laws 1957, c. 214, sec. 1, p. 750;  
 Amended 1966, Laws 1965, c. 299, sec. 1, p. 845.

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**Sec. 5. County taxes; limitation.**

County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.

Source:  
 Neb. Const. art. IX, sec. 5 (1875);  
 Amended 1920, Constitutional Convention, 1919-1920, No. 28;  
 Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 5;  
 Amended 1992, Laws 1992, LR 219CA, sec. 1.

**Sec. 5.** County authorities shall never assess taxes the aggregate of which shall exceed one and a half dollars per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

**Sec. 6. Local improvements of cities, towns and villages.**

The Legislature may vest the corporate

**Sec. 6.** The legislature may vest the corporate authorities of cities, towns, and villages, with power to make local improvements by special



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authorities of cities, towns and villages, with power to make local improvements, including facilities for providing off-street parking for vehicles, by special assessments or by special taxation of property benefited, and to redetermine and reallocate from time to time the benefits arising from the acquisition of such off-street parking facilities, and the Legislature may vest the corporate authorities of cities and villages with power to levy special assessments for the maintenance, repair and reconstruction of such off-street parking facilities. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same, except that cities and villages may be empowered by the Legislature to assess and collect separate and additional taxes within off-street parking districts created by and within any city or village on such terms as the Legislature may prescribe.

Source:

Neb. Const. art. IX, sec. 6 (1875);

Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 6;

Amended 1972, Laws 1972, LB 1429, sec. 1.

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assessments, or by special taxation of property benefited. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

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**Sec. 7. Private property not liable for corporate debts; municipalities and inhabitants exempt for corporate purposes.**

Private property shall not be liable to be taken or sold for the payment of the corporate debts of municipal corporations. The Legislature shall

**Sec. 7.** Private property shall not be liable to be taken or sold for the payment of the corporate debts of municipal corporations. The legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes.



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not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes.

Source:  
Neb. Const. art. IX, sec. 7 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 7.

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**Sec. 8.** The legislature at its first session shall provide a law for the funding of all outstanding warrants and other indebtedness of the state, at a rate of interest not exceeding eight per cent, per annum.

**Sec. 9.** The legislature shall provide by law that all claims upon the treasury shall be examined and adjusted by the auditor and approved by the secretary of state before any warrant for the amount allowed shall be drawn; Provided, That a party aggrieved by the decision of the auditor and secretary of state may appeal to the district court.

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**Sec. 8. Funding indebtedness; warrants.**  
The Legislature at its first session shall provide by law for the funding of all outstanding warrants, and other indebtedness of the state, at a rate of interest not exceeding eight per cent per annum.

Source:  
Neb. Const. art. IX, sec. 8 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 8.

**Sec. 9. Claims upon treasury; adjustment; approval; appeal.**  
The Legislature shall provide by law that all claims upon the treasury shall be examined and adjusted as the Legislature may provide before any warrant for the amount allowed shall be drawn. Any party aggrieved by the action taken on a claim in which he has an interest may appeal to the district court.

Source:  
Neb. Const. art. IX, sec. 9 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. VIII, sec. 9;  
Amended 1964, Laws 1963, c. 302, sec. 2(3), p. 896.



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—Added 1956—

**Sec. 10. Taxation of grain and seed; alternative basis permitted.**

Notwithstanding the other provisions of Article VIII, the Legislature is authorized to substitute a basis other than valuation for taxes upon grain and seed produced or handled in this state.

Existing revenue laws not inconsistent with the Constitution shall continue in effect until changed by the Legislature.

Source:

Neb. Const. art. VIII, sec. 10 (1956);

Adopted 1956, Laws 1955, c. 197, sec. 1, p. 562.

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—Added 1958—

**Sec. 11. Public corporations and political subdivisions providing electricity; payment in lieu of taxes.**

Every public corporation and political subdivision organized primarily to provide electricity or irrigation and electricity shall annually make the same payments in lieu of taxes as it made in 1957, which payments shall be allocated in the same proportion to the same public bodies or their successors as they were in 1957.

The legislature may require each such public corporation to pay to the treasurer of any county in which may be located any incorporated city or village, within the limits of which such public corporation sells electricity at retail, a sum equivalent to five (5) per cent of the annual gross revenue of such public corporation derived from retail sales of electricity within such city or village, less an amount equivalent to





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the 1957 payments in lieu of taxes made by such public corporation with respect to property or operations in any such city or village. The payments in lieu of tax as made in 1957, together with any payments made as authorized in this section shall be in lieu of all other taxes, payments in lieu of taxes, franchise payments, occupation and excise taxes, but shall not be in lieu of motor vehicle licenses and wheel taxes, permit fees, gasoline tax and other such excise taxes or general sales taxes levied against the public generally.

So much of such five (5) per cent as is in excess of an amount equivalent to the amount paid by such public corporation in lieu of taxes in 1957 shall be distributed in each year to the city or village, the school districts located in such city or village, the county in which such city or village is located, and the State of Nebraska, in the proportion that their respective property tax mill levies in each such year bear to the total of such mill levies.

Source:

Neb. Const. art. VIII, sec. 11 (1958);

Adopted 1958, Initiative Measure No. 300, art. VIII, sec. 10.

Note: At the general election in 1958, an amendment was adopted pursuant to initiative petition providing for payment in lieu of taxes by public corporations and political subdivisions supplying electricity. This amendment stated it was to amend Article VIII by adding a new section. The figure 10 was shown at the beginning of the new section to be added. There was already an amendment to the Constitution

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adopted in 1956 designated as Article VIII, section 10. Therefore, the 1958 amendment has been designated as Article VIII, section 11.

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—Added 1978—

**Sec. 12. Cities or villages; redevelopment project; substandard and blighted property; incur indebtedness; taxes; how treated.**

For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective



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taxing bodies.

Source:

Neb. Const. art. VIII, sec. 12 (1978);  
 Adopted 1978, Laws 1978, LB 469, sec. 1;  
 Amended 1984, Laws 1984, LR 227, sec. 1;  
 Amended 1988, Laws 1987, LR 11, sec. 1.

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—Added 1992—

**Sec. 13. Revenue laws and legislative acts;  
 how construed.**

Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary, amendments to Article VIII of this Constitution passed in 1992 shall be effective from and after January 1, 1992, and existing revenue laws and legislative acts passed in the regular legislative session of 1992, not inconsistent with this Constitution as amended, shall be considered ratified and confirmed by such amendments without the need for legislative reenactment of such laws.

Source:

Neb. Const. art. VIII, sec. 13 (1992);  
 Adopted 1992, Laws 1992, LR 219CA, sec. 1.



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### Article IX Counties

**Sec. 1. Area.**

No new county shall be formed or established by the legislature which will reduce the county or counties, or either of them to a less area than four hundred square miles, nor shall any county be formed of a less area.

Source:

Neb. Const. art. X, sec. 1 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IX, sec. 1.

**Sec. 2. Division of county; decision of question.**

No county shall be divided nor any part of the territory of any county be stricken therefrom, nor shall any county or part of the territory of any county be added to an adjoining county without submitting the question to the qualified electors of each county affected thereby, nor unless approved by a majority of the qualified electors of each county voting thereon; provided, that when county boundaries divide sections, or overlap, or fail to meet, or are in doubt, the Legislature may by law provide for their adjustment, but in all cases the new boundary shall follow the nearest section line or the thread of the main channel of a boundary stream.

Source:

Neb. Const. art. X, sec. 2 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 29;

Transferred by Constitutional Convention, 1919-1920, art. IX, sec. 2.

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### Article X Counties

**Sec. 1.** No new county shall be formed or established by the legislature which will reduce the county or counties, or either of them, to a less area than four hundred square miles, nor shall any county be formed of a less area.

**Sec. 2.** No county shall be divided, or have any part stricken therefrom without first submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

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No equivalent article.



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### **Sec. 3. County added to another; prior indebtedness; county stricken off; liabilities.**

When a county shall be added to another, all prior indebtedness of each county shall remain a charge on the taxable property within the territory of each county as it existed prior to consolidation. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for its proportion of all then existing liabilities of the county from which it is taken, but shall not be holden for any then existing liabilities of the county to which it is attached.

Source:

Neb. Const. art. X, sec. 3 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 29;

Transferred by Constitutional Convention, 1919-1920, art. IX, sec. 3.

### **Sec. 4. County and township officers.**

The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties; Provided, that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties.

Source:

Neb. Const. art. X, sec. 4 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IX, sec. 4;

Amended 1968, Laws 1967, c. 308, sec. 1, p. 834.

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**Sec. 3.** There shall be no territory stricken from any organized county unless a majority of the voters living in such territory shall petition for such division, and no territory shall be added to any organized county without the consent of the majority of the voters of the county to which it is proposed to be added; but the portion so stricken of and added to another county, or formed in whole or in part into a new county, shall be holden for and obliged to pay its proportion of the indebtedness of the counties from which it has been taken.

**Sec. 4.** The legislature shall provide by law for the election of such county and township officers as may be necessary.

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### **Sec. 5. Township organization.**

The Legislature shall provide by general law for township organization, under which any county may organize whenever a majority of the legal voters of such county voting at any general election shall so determine; and in any county that shall have adopted a township organization the question of continuing the same may be submitted to a vote of the electors of such county at a general election in the manner that shall be provided by law.

Source:

Neb. Const. art. X, sec. 5 (1875);

Transferred by Constitutional Convention, 1919-1920, art. IX, sec. 5.

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**Sec. 5.** The legislature shall provide by general law for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county at a general election in the manner that shall be provided by law.

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### Article X Public Service Corporations

**Sec. 1. Reports under oath.**

Every public utility corporation or common carrier organized or doing business in this state shall report, under oath, to the Railway Commission, when required by law or the order of said Commission. The reports so made shall include such matter as may be required by law or the order of said Commission.

Source:

Neb. Const. art. XI, sec. 1 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 30;

Transferred by Constitutional Convention, 1919-1920, art. X, sec. 1.

**Sec. 2. Property liable to sale on execution.**

The rolling stock and all other movable property belonging to any railroad company or corporation in this state, shall be liable to execution and sale in the same manner as the personal property of individuals, and the

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### Article XI Corporations Railroad Corporations

**Sec. 1.** Every railroad corporation organized or doing business in this state, under the laws or authority thereof, or of any other state, or of the United States, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the amount of stock paid in and by whom, the transfers of said stock, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad corporation, or other parties having control of its road, shall annually make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of the amount received from passengers and freight and such other matters relating to railroads as may be prescribed by law. And the legislature shall pass laws enforcing by suitable penalties the provisions of this section.

**Sec. 2.** The rolling stock and all other movable property belonging to any railroad company or corporation in this state shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no law exempting any such

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No equivalent article.



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legislature shall pass no law exempting any such property from execution and sale.

Source:

Neb. Const. art. XI, sec. 2 (1875);

Transferred by Constitutional Convention, 1919-1920, art. X, sec. 2.

#### **Sec. 3. Consolidation of stock or property.**

No public utility corporation or common carrier shall consolidate its stock, property, franchise, or earnings in whole or in part with any other public utility corporation or common carrier owning a parallel or competing property without permission of the Railway Commission; and in no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law. The Legislature may by law require all public utilities and common carriers to exchange business through physical connection, joint use, connected service, or otherwise.

Source:

Neb. Const. art. XI, sec. 3 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 31;

Transferred by Constitutional Convention, 1919-1920, art. X, sec. 3.

#### **Sec. 4. Railways declared public highways; maximum rates; liability not limited.**

Railways heretofore constructed, or that may hereafter be constructed, in this state are hereby declared public highways, and shall be free to all persons for the transportation of their persons

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property from execution and sale.

**Sec. 3.** No railroad corporation or telegraph company shall consolidate its stock, property, franchises, or earnings, in whole or in part, with any other railroad corporation or telegraph company owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders in such manner as may be provided by law.

**Sec. 4.** Railways heretofore constructed, or that may hereafter be constructed in this state, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law.

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and property thereon, under such regulations as may be prescribed by law. And the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited.

Source:

Neb. Const. art. XI, sec. 4 (1875);

Transferred by Constitutional Convention, 1919-1920, art. X, sec. 4.

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And the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited.

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### **Sec. 5. Capital stock; dividends.**

The capital stock of public utility corporations or common carriers shall not be increased for any purpose, except after public notice for sixty days, and in such manner as may be provided by law. No dividend shall be declared or distributed except out of net earnings after paying all operating expenses including a depreciation reserve sufficient to keep the investment intact.

Source:

Neb. Const. art. XI, sec. 5 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 32;

Transferred by Constitutional Convention, 1919-1920, art. X, sec. 5.

**Sec. 5.** No railroad corporation shall issue any stock or bonds except for money, labor, or property actually received and applied to the purposes for which such corporation was created, and all stock, dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of railroad corporations shall not be increased for any purpose, except after public notice for sixty days, in such manner as may be provided by law.

### **Sec. 6. Eminent domain.**

The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature, of the property and franchises of incorporated companies already organized,

**Sec. 6.** The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the legislature, of the property and franchises of incorporated companies already organized or hereafter to be organized, and subjecting



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or hereafter to be organized, and subjecting them to the public necessity the same as of individuals.

Source:  
Neb. Const. art. XI, sec. 6 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. X, sec. 6.

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them to the public necessity, the same as of individuals.

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### **Sec. 7. Unjust discrimination and extortion.**

The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in all charges of express, telegraph and railroad companies in this state and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Source:  
Neb. Const. art. XI, sec. 7 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. X, sec. 7.

**Sec. 7.** The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in all charges of express, telegraph, and railroad companies in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

### **Sec. 8. Eminent domain for depot or other uses.**

No railroad corporation organized under the laws of any other state, or of the United States and doing business in this state shall be entitled to exercise the right of eminent domain or have power to acquire the right of way, or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this state.

Source:  
Neb. Const. art. XI, sec. 8 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. X, sec. 8.

**Sec. 8.** No railroad corporation organized under the laws of any other state, or of the United States, and doing business in this state, shall be entitled to exercise the right of eminent domain, or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this state.



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### Article XI Municipal Corporations

**Sec. 1. Subscription to stock prohibited; exception.**

No city, county, town, precinct, municipality, or other subdivision of the state shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association, except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of public endowment funds by any city which is authorized by this Constitution to establish a charter, in the manner required of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, may determine, subject to such limitations as the Legislature may by statute provide.

Source:

Neb. Const. art. XI, sec. 1 (1875);

Transferred in 1907, art. XIa, sec. 1;

Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 1;

Amended 2008, Laws 2007, LR6CA, sec. 1.

—Added 1912—

**Sec. 2. City of 5,000 may frame charter; procedure.**

Any city having a population of more than

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### Article XI Corporations Municipal Corporations

**Sec. 1.** No city, county, town, precinct, municipality, or other subdivision of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein, of any railroad or private corporation, or association.

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No equivalent article.



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five thousand (5000) inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state, by causing a convention of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be within four months after such election, to prepare and propose a charter for such city, which charter, when completed, with a prefatory synopsis, shall be signed by the officers and members of the convention, or a majority thereof, and delivered to the clerk of said city, who shall publish the same in full, with his official certification, in the official paper of said city, if there be one, and if there be no official paper, then in at least one newspaper published and in general circulation in said city, three times, and a week apart, and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified voters, voting thereon, shall ratify the same, it shall at the end of sixty days thereafter, become the charter of said city, and supersede any existing charter and all amendments thereof. A duplicate certificate shall be made, setting forth the charter proposed and its ratification (together with the vote for and against) and duly certified by the City Clerk, and authenticated by the corporate seal of said city and one copy thereof shall be filed with the Secretary of State and the other deposited among the archives of the city, and

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shall thereupon become and be the charter of said city, and all amendments of such charter, shall be authenticated in the same manner, and filed with the secretary of state and deposited in the archives of the city.

Source:

Neb. Const. (1912);

Adopted 1912, Laws 1911, c. 227, sec. 2, p. 681;

Transferred in 1913, art. XIa, sec. 2;

Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 2.

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### —Added 1912—

#### **Sec. 3. Rejection of charter; effect; procedure to frame new charter.**

But if said charter be rejected, then within six months thereafter, the mayor and council or governing authorities of said city may call a special election at which fifteen members of a new charter convention shall be elected to be called and held as above in such city, and they shall proceed as above to frame a charter which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated may be repeated until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, and a copy thereof deposited in the archives of the city, whereupon it shall become the charter of said city. Members of each of said charter conventions shall be elected at large, and they shall complete their labors within sixty days



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after their respective election. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city.

Source:

Neb. Const. (1912);

Adopted 1912, Laws 1911, c. 227, sec. 3, p. 682;

Transferred in 1913, art. XIa, sec. 3;

Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 3.

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### —Added in 1912—

#### **Sec. 4. Charter; amendment; charter convention.**

Such charter so ratified and adopted may be amended, or a charter convention called, by a proposal therefor made by the law-making body of such city or by the qualified electors in number not less than five per cent of the next preceding gubernatorial vote in such city, by petition filed with the council or governing authorities. The council or governing authorities shall submit the same to a vote of the qualified electors at the next general or special election not held within thirty days after such petition is filed. In submitting any such charter or charter amendments, any alternative article or section may be presented for the choice of the voters and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance, and the same shall be constituted and held and the proposed charter submitted to a vote



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of the qualified electors, approved or rejected, as provided in Section two hereof. The City Clerk of said city shall publish with his official certification, for three times, a week apart in the official paper in said city, if there be one, and if there be no official paper, then in at least one newspaper, published and in general circulation in said city, the full text of any charter or charter amendment to be voted on at any general or special election.

No charter or charter amendment adopted under the provisions of this amendment shall be amended or repealed except by electoral vote.

And no such charter or charter amendment shall diminish the tax rate for state purposes fixed by act of the Legislature, or interfere in any wise with the collection of state taxes.

Source:

Neb. Const. (1912);

Adopted 1912, Laws 1911, c. 227, sec. 4, p. 682;

Transferred in 1913, art. XIa, sec. 4;

Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 4.

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### —Added 1920—

#### **Sec. 5. Charter of city of 100,000; home rule charter authorized.**

The charter of any city having a population of more than one hundred thousand inhabitants may be adopted as the home rule charter of such city by a majority vote of the qualified electors of such city voting upon the question, and when so adopted may thereafter be changed or amended as provided in Section 4 of this article, subject to the Constitution and laws



## 2016

of the state.

Source:

Neb. Const. art. XIa, sec. 5 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 33;

Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 5.

## 1875

## 1866





2016

### Article XII Miscellaneous Corporations

**Sec. 1. Legislature to provide for organization, regulation, and supervision of corporations and associations; limitation; elections for directors or managers; voting rights of stockholders.**

The Legislature shall provide by general law for the organization, regulation, supervision and general control of all corporations, and for the organization, supervision and general control of mutual and co-operative companies and associations, and by such legislation shall insure the mutuality and co-operative features and functions thereof. Foreign corporations transacting or seeking to transact business in this state shall be subject, under general law, to regulation, supervision and general control, and shall not be given greater rights or privileges than are given domestic corporations of a similar character. No corporations shall be created by special law, nor their charters be extended, changed or amended, except those corporations organized for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder owning voting stock shall have the right to vote in person or proxy for the number of such shares owned by him, for as many persons as there are directors or managers to be elected or to

1875

### Article XI Corporations. Miscellaneous Corporations

**Sec. 1.** No corporations shall be created by special law, nor its charter extended, changed, or amended, except those for charitable, educational, penal, or reformatory purposes, which are to be and remain under the patronage and control of the state, but the legislature shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this section may be altered from time to time or repealed.

1866

### Article VIII Corporations

**Sec. 1.** The Legislature shall pass no special act conferring corporate powers.

**Sec. 2.** Corporations may be formed under general laws.



### 2016

accumulate such shares and give one candidate as many votes as the number of directors multiplied by the number his shares shall equal, or to distribute them upon the same principal among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner; Provided, that any mutual or cooperative company or association may, in its articles of incorporation, limit the number of shares of stock any stockholder may own, the transfer of such stock, and the right of each stockholder or member to one vote only in the meetings of such company or association. All general laws passed pursuant to this section may be altered from time to time, or repealed.

Source:

Neb. Const. art. XI, sec. 1 (1875);

Transferred in 1907, art. XIb, sec. 1;

Amended 1920, Constitutional Convention, 1919-1920, No. 34;

Transferred by Constitutional Convention, 1919-1920, art. XII, sec. 1;

Amended 1972, Laws 1971, LB 762, sec. 1.

### 1875

### 1866

**Sec. 2. Repealed 1972. Laws 1971, LB 762, sec. 1.** (Note: The repealed language was the same as Sec. 2, 1875.

**Sec. 2.** No such general law shall be passed by the legislature granting the right to construct and operate a street railroad within any city, town, or incorporated village, without first requiring the consent of a majority of the electors thereof.

**Sec. 3. Repealed 1972. Laws 1971, LB 762, sec. 1.** (Note: The repealed language was the same as Sec. 3, 1875.)

**Sec. 3.** All corporations may sue and be sued in like cases as natural persons.



## 2016

**Sec. 4. Repealed 1972. Laws 1971, LB 762, sec. 1.**

(**Note:** The repealed language was the same as Sec. 4, 1875.)

## 1875

**Sec. 4.** In all cases of claims against corporations and joint stock associations, the exact amount justly due shall be first ascertained, and after the corporate property shall have been exhausted, the original subscribers thereof shall be individually liable to the extent of their unpaid subscription, and the liability for the unpaid subscription shall follow the stock.

## 1866

**Sec. 5. Repealed 1972. Laws 1971, LB 762, sec. 1.**

(**Note:** The repealed language read, "The Legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote in person or proxy for the number of shares owned by him, for as many persons as there are directors or managers to be elected or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number his shares shall equal, or to distribute them upon the same principal among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner; Provided, that any mutual or cooperative company or association may, in its articles of incorporation, limit the number of shares of stock any stockholder may own, the transfer of said stock, and the right of each stockholder or member to one vote only in the meetings of such company or association; and provided further, a corporation in its article of incorporation may provide that preferred stockholders shall have no right to vote.")

**Sec. 5.** The legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them upon the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.



## 2016

**Sec. 6. Repealed 1972. Laws 1971, LB 762, sec. 1.**  
**(Note:** The repealed language read, "No corporation shall be permitted to issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purpose for which such corporation was created, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the actual value at the time said labor was done or property delivered, and all fictitious increase of stock or indebtedness shall be void; all stock shall have a face par value; and all stock in the same corporation shall be of equal par value, except that preferred stock may or may not be of same par value.)

**Sec. 7. Repealed 1938. Laws 1937, c. 18, sec. 1, p. 124.**  
**(Note:** The repealed language read, "Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors over and above the amount of stock by him held to an amount equal to his respective stock or shares so held, for all its liabilities accruing or existing while he remains such stockholder, and all banking corporations shall publish quarterly statements under oath of their assets and liabilities. The stockholders shall become individually responsible for the liability hereby imposed, immediately after any such banking corporation, or banking institution shall be adjudged insolvent, and the receiver of said corporation or institution shall have full right and lawful authority, as such receiver, forthwith

## 1875

**Sec. 6.** All existing charters or grants of special or exclusive privileges under which organization shall not have taken place, or which shall not be in operation within sixty days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

**Sec. 7.** Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him held, to an amount equal to his respective stock or shares so held, for all its liabilities accruing while he remains such stockholder; and all banking corporations shall publish quarterly statements, under oath, of their assets and liabilities.

## 1866



**2016**

to proceed by action in court to collect such liabilities; and the provisions of Section 4, Article XII, of the constitution of the State of Nebraska shall not be construed as applying to banking corporations or banking institutions.”)

**1875**

**1866**

**—Added 1982—**

**Sec. 8. Corporation acquiring an interest in real estate used for farming or ranching or engaging in farming or ranching; restrictions; Secretary of State, Attorney General; duties; Legislature; powers.**

That Article XII of the Constitution of the State of Nebraska be amended by adding a new section numbered 8 and subsections as numbered, notwithstanding any other provisions of this Constitution.

Sec. 8(1) No corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching. Corporation shall mean any corporation organized under the laws of any state of the United States or any country or any partnership of which such corporation is a partner. Farming or ranching shall mean (i) the cultivation of land for the production of agricultural crops, fruit, or other horticultural products, or (ii) the ownership, keeping or feeding of animals for the production of livestock or livestock products.

Syndicate shall mean any limited partnership organized under the laws of any state of the United States or any country, other than limited



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partnerships in which the partners are members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch, and none of whom are nonresident aliens. This shall not include general partnerships.

These restrictions shall not apply to:

(A) A family farm or ranch corporation. Family farm or ranch corporation shall mean a corporation engaged in farming or ranching or the ownership of agricultural land, in which the majority of the voting stock is held by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, or their spouses, at least one of whom is a person residing on or actively engaged in the day to day labor and management of the farm or ranch and none of whose stockholders are non-resident aliens and none of whose stockholders are corporations or partnerships, unless all of the stockholders or partners of such entities are persons related within the fourth degree of kindred to the majority of stockholders in the family farm corporation.

These restrictions shall not apply to:

(B) Non-profit corporations.

These restrictions shall not apply to:

(C) Nebraska Indian tribal corporations.

These restrictions shall not apply to:

## 1875

## 1866



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(D) Agricultural land, which, as of the effective date of this Act, is being farmed or ranched, or which is owned or leased, or in which there is a legal or beneficial interest in title directly or indirectly owned, acquired, or obtained by a corporation or syndicate, so long as such land or other interest in title shall be held in continuous ownership or under continuous lease by the same such corporation or syndicate, and including such additional ownership or leasehold as is reasonably necessary to meet the requirements of pollution control regulations. For the purposes of this exemption, land purchased on a contract signed as of the effective date of this amendment, shall be considered as owned on the effective date of this amendment.

These restrictions shall not apply to:

(E) A farm or ranch operated for research or experimental purposes, if any commercial sales from such farm or ranch are only incidental to the research or experimental objectives of the corporation or syndicate.

These restrictions shall not apply to:

(F) Agricultural land operated by a corporation for the purpose of raising poultry.

These restrictions shall not apply to:

(G) Land leased by alfalfa processors for the production of alfalfa.

These restrictions shall not apply to:

(H) Agricultural land operated for the purpose of growing seed, nursery plants, or sod.

These restrictions shall not apply to:

(I) Mineral rights on agricultural land.

These restrictions shall not apply to:

## 1875

## 1866



## 2016

(J) Agricultural land acquired or leased by a corporation or syndicate for immediate or potential use for nonfarming or nonranching purposes. A corporation or syndicate may hold such agricultural land in such acreage as may be necessary to its nonfarm or nonranch business operation, but pending the development of such agricultural land for nonfarm or nonranch purposes, not to exceed a period of five years, such land may not be used for farming or ranching except under lease to a family farm or ranch corporation or a non-syndicate and non-corporate farm or ranch.

These restrictions shall not apply to:

(K) Agricultural lands or livestock acquired by a corporation or syndicate by process of law in the collection of debts, or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise. Any lands so acquired shall be disposed of within a period of five years and shall not be used for farming or ranching prior to being disposed of, except under a lease to a family farm or ranch corporation or a non-syndicate and non-corporate farm or ranch.

These restrictions shall not apply to:

(L) A bona fide encumbrance taken for purposes of security.

These restrictions shall not apply to:

(M) Custom spraying, fertilizing, or harvesting.

These restrictions shall not apply to:

(N) Livestock futures contracts, livestock purchased for slaughter, or livestock purchased and resold within two weeks.

If a family farm corporation, which has qualified

## 1875

## 1866





## 2016

under all the requirements of a family farm or ranch corporation, ceases to meet the defined criteria, it shall have fifty years, if the ownership of the majority of the stock of such corporation continues to be held by persons related to one another within the fourth degree of kindred or their spouses, and their landholdings are not increased, to either re-qualify as a family farm corporation or dissolve and return to personal ownership.

The Secretary of State shall monitor corporate and syndicate agricultural land purchases and corporate and syndicate farming and ranching operations, and notify the Attorney General of any possible violations. If the Attorney General has reason to believe that a corporation or syndicate is violating this amendment, he or she shall commence an action in district court to enjoin any pending illegal land purchase, or livestock operation, or to force divestiture of land held in violation of this amendment. The court shall order any land held in violation of this amendment to be divested within two years. If land so ordered by the court has not been divested within two years, the court shall declare the land escheated to the State of Nebraska.

If the Secretary of State or Attorney General fails to perform his or her duties as directed by this amendment, Nebraska citizens and entities shall have standing in district court to seek enforcement.

The Nebraska Legislature may enact, by general law, further restrictions prohibiting certain agricultural operations that the legislature

## 1875

## 1866



## 2016

deems contrary to the intent of this section.

Source

Neb. Const. art. XII, sec. 8 (1982);

Adopted 1982, Initiative Measure No. 300.

Note: Proclamation by the Governor occurred on November 29, 1982.

## 1875

## 1866



2016

### Article XIII State, County and Municipal Indebtedness

#### Sec. 1. State may contract debts; limitation; exceptions.

The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid; Provided, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds

1875

### Article XII State, County, and Municipal Indebtedness

**Sec. 1.** The state may, to meet casual deficits or failures in the revenues, contract debts never to exceed in the aggregate one hundred thousand dollars; and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war; and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt be paid.

1866

**(The Constitution of 1866 contained no article for state, county, and municipal indebtedness. However, the substance of our current Article XIII was derived from various articles within the 1866 Constitution.)**

**Art. V, Sec. 4.** For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall never in the aggregate exceed fifty thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each House, to be taken by yeas and nays, shall be necessary to the passage of such laws; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within ten years from the passage of such law; and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished until the principal and interest of such debt shall have been wholly paid.

**Art. V, Sec. 5.** The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the re-payment of the debt thereby created.



## 2016

for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; and provided further, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.

Source:

Neb. Const. art. XII, sec. 1 (1875);

Transferred by Constitutional Convention, 1919-1920, art. XIII, sec. 1;

## 1875

## 1866

**Art. II, Sec. 32.** The Legislature shall not authorize the borrowing of money or the issuance of State bonds for any sum exceeding in the aggregate fifty thousand dollars, without submitting a proposition therefor to a vote of the people for their approval or rejection, except in case of war to repel invasion or suppress insurrection.



**2016**

Amended 1968, Laws 1967, c. 324, sec. 1, p. 861;  
 Amended 1970, Laws 1969, c. 428, sec. 1, p. 1448;  
 Amended 1982, Laws 1982, LB 577, sec. 1.

**Sec. 2. Industrial and economic development; powers of counties and municipalities.**

Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding

**1875**

**Sec. 2.** No city, county, town, precinct, municipality, or other subdivision of the state, shall ever make of donations to any railroad or other work of internal improvement, unless a proposition so to do shall have been first submitted to the qualified electors thereof at an election by authority of law: Provided, That such donations of a county with the donations of such subdivisions in the aggregate shall not exceed ten per cent. of the assessed valuation of such county; Provided further, That any city or county may, by a two-thirds vote, increase such indebtedness five per cent, in addition to such ten per cent, and no bonds or evidences of indebtedness so issued shall be valid unless the same shall have endorsed thereon a certificate signed by the secretary and auditor of state, showing that the same is issued pursuant to law.

**1866**

**Art. V, Sec. 6.** The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal improvement, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.



## 2016

the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. Subject to such vote, funds may be derived from property tax, local option sales tax, or any other general tax levied by the city or village or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city or village subject to any restrictions of the grantor, donor, or state or federal law.

Source:

Neb. Const. art. XII, sec. 2 (1875);

Transferred by Constitutional Convention, 1919-1920, art. XIII, sec. 2;

Amended 1972, Laws 1971, LB 688, sec. 1;

## 1875

## 1866



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Amended 1982, Laws 1982, LB 634, sec. 1;  
 Amended 1990, Laws 1990, LR 11, sec. 1;  
 Amended 2010, Laws 2010, LR 297 CA, sec. 1.

**Sec. 3. Credit of state; exception.**

The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature.

Source:

Neb. Const. art. XII, sec. 3 (1875);  
 Transferred by Constitutional Convention, 1919-1920, art. XIII, sec. 3;  
 Amended 1968, Laws 1967, c. 321, sec. 1, p. 855.

—Added in 2010—

**Sec. 4. Nonprofit enterprise development; powers of counties and municipalities.**

Notwithstanding any other provision in this Constitution, the Legislature may authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing

**1875**

**Sec. 3.** The credit of the state shall never be given or loaned in aid of any individual, association or corporation.

**1866**

**Art. V, Sec. 2.** The credit of the State shall never be given or bound in aid of any individual, association, or corporation.



## 2016

such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this section shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this section by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Source:

Neb. Const. art. XIII, sec. 4 (2010); Adopted 2010, LR 295CA, sec. 1.

## 1875

## 1866



**2016****Article XIV  
Militia****Sec. 1. Personnel; organization; discipline.**

The Legislature may provide for the personnel, organization, and discipline of the militia of the state.

Source:

Neb. Const. art. XIII, sec. 1 (1875);

Transferred by Constitutional Convention, 1919-1920, art. XIV, sec. 1;

Amended 1972, Laws 1971, LB 621, sec. 1.

**1875****Article XIII  
Militia**

**Sec. 1.** The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same.

**1866**

**(The Constitution of 1866 contained no article for the militia. The language was contained in the Legislative Article.)**

**Art. II, Sec. 26.** The Legislature shall determine what persons shall constitute the Militia of the State, and may provide for organizing and disciplining the same, in such manner as shall be prescribed by law.



## 2016

### Article XV Miscellaneous Provisions

**Sec. 1. Official oath; refusal; disqualification.** Executive and judicial officers and members of the legislature, before they enter upon their official duties shall take and subscribe the following oath, or affirmation. "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of ..... according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)." Any such officer or member of the legislature who shall refuse to take the oath herein prescribed, shall forfeit his office, and any person who shall be convicted of having sworn falsely to, or of violating his said oath shall forfeit his office, and thereafter be disqualified from holding any office of profit or trust in this state unless he shall have been restored to civil rights.

Source:  
Neb. Const. art. XIV, sec. 1 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 1.

## 1875

### Article XIV Miscellaneous Provisions

**Sec. 1.** Executive and judicial officers and members of the legislature, before they enter upon their official duties, shall take and subscribe the following oath or affirmation : "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the state of Nebraska, and will faithfully discharge the duties of \_\_\_\_\_ according to the best of my ability, and that at the election at which I was chosen to fill said office I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company, or person, or any promise of office for any official act or influence (for any vote I my give or withhold on any bill, resolution or appropriation)." Any such officer or member of the legislature who shall refuse to take the oath herein prescribed, shall forfeit his office, and any person who shall be convicted of having sworn falsely to, or of violating his said oath, shall forfeit his office, and thereafter be disqualified from holding any office of trust or profit in this state, unless he shall have been restored to civil rights.

## 1866

**(The Constitution of 1866 contained no equivalent article. The corresponding language was in the legislative article.)**

**Art. II, Sec. 25.** Members of the Legislature, and all officers executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully to discharge the duties of their respective offices to the best of their ability.



**2016**

**Sec. 2. Official in default as collector and custodian of public money or property; disqualification; felon disqualified.**

No person who is in default as collector and custodian of public money or property shall be eligible to any office of trust or profit under the constitution or laws of this state. No person convicted of a felony shall be eligible to any such office unless he shall have been restored to civil rights.

Source:

Neb. Const. art. XIV, sec. 2 (1875);

Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 2;

Amended 1972, Laws 1972, LB 503, sec. 1.

**1875**

**Sec. 2.** Any person who is in default as collector and custodian of public money or property, shall not be eligible to any office of trust or profit under the constitution or laws of this state; nor shall any person convicted of felony be eligible to office unless he shall have been restored to civil rights.

**1866**

**Sec. 3. Repealed 1886. Laws 1886, LR 318, sec. 1.**  
(Note: The repealed language read was the same as Sec. 3, 1875.)

**Sec. 3.** Drunkenness shall be cause of impeachment and removal from office.

—Added 1920—

**Sec. 4. Water a public necessity.**

The necessity of water for domestic use and for irrigation purposes in the State of Nebraska is hereby declared to be a natural want.

Source:

Neb. Const. art. XIV, sec. 4 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 35;

Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 4.

—Added 1920—

**Sec. 5. Use of water dedicated to people.**

The use of the water of every natural stream



## 2016

within the State of Nebraska is hereby dedicated to the people of the state for beneficial purposes, subject to the provisions of the following section.

Source:

Neb. Const. art. XIV, sec. 5 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 35;

Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 5.

## 1875

## 1866

### —Added 1920—

#### **Sec. 6. Right to divert unappropriated waters.**

The right to divert unappropriated waters of every natural stream for beneficial use shall never be denied except when such denial is demanded by the public interest. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the use of all those desiring to use the same, those using the water for domestic purposes shall have preference over those claiming it for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes. Provided, no inferior right to the use of the waters of this state shall be acquired by a superior right without just compensation therefor to the inferior user.

Source:

Neb. Const. art. XIV, sec. 6 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 35;



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**1875**

**1866**

Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 6.

—Added 1920—

**Sec. 7. Use of water for power purposes.**

The use of the waters of the state for power purposes shall be deemed a public use and shall never be alienated, but may be leased or otherwise developed as by law prescribed.

Source:

Neb. Const. art. XIV, sec. 7 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 36;

Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 7.

—Added 1920—

**Sec. 8. Employment of women and children; minimum wage.**

Laws may be enacted regulating the hours and conditions of employment of women and children, and securing to such employees a proper minimum wage.

Source:

Neb. Const. art. XIV, sec. 8 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 37;

Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 8.

—Added 1920—

**Sec. 9. Controversies between employers and employees; industrial commission; appeals.**

Laws may be enacted providing for the investigation, submission, and determination



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of controversies between employers and employees in any business or vocation affected with a public interest and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An Industrial Commission may be created for the purpose of administering such laws, and appeals shall be as provided by law.

Source:

Neb. Const. art. XIV, sec. 9 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 38;

Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 9;

Amended 1990, Laws 1990, LR 8, sec. 1.

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**Sec. 10. Repealed 1934. Laws 1933, c. 94, sec. 1, p. 376.**

(**Note:** The repealed language read, "On and after May 1, 1917, the manufacture, the sale, the keeping for sale or barter, the sale or barter, under any pretext, of malt, spirituous, vinous or other intoxicating liquors, are forever prohibited in this state, except for medicinal, scientific, or mechanical, or sacramental purposes.")

**Sec. 11. Repealed 1972. Laws 1971, LB 502, sec. 1.**

(**Note:** The repealed language read, "The Legislature may provide that at the general election immediately preceding the expiration of the term of a United States Senator from this state, the electors may by ballot express their preference for some person for the office of the

**Propositions separately submitted**

The Legislature may provide that at the general election immediately preceding the expiration of the term of a United States senator from this state, the electors may, by ballot, express their preference for some person for the office of Unites States senator. The votes cast for such



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United States Senator. The votes cast for such candidates shall be canvassed and returned in the same manner as for state officers.”)

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candidates shall be canvassed and returned in the same manner as for state officers.

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**Sec. 12. Removal of state capital.**

The seat of government of the state shall not be removed or relocated without the assent of a majority of the electors of the state voting thereupon, at a general election or elections, under such rules and regulations as to the number of elections and manner of voting and places to be voted for, as may be prescribed by law. Provided the question of removal may be submitted at such other general elections as may be provided by law.

Source:  
Neb. Const. (1875);  
Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 12.

**Propositions separately submitted**

The seat of government of the state shall not be adopted, removed or relocated without the assent of a majority of the electors of the state, voting thereupon at a general election or elections, under such rules and regulations as to the number of elections and manner of voting, and places to be voted for, as may be prescribed by law; Provided, The question of removal may be submitted at such other general elections as may be provided by law.

**—Added 1946—**

**Sec. 13. Labor organizations; no denial of employment; closed shop not permitted.**

No person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization.

Source:  
Neb. Const. art. XV, sec. 13 (1946);



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Adopted 1946, Initiative Measure No. 302, sec. 1.

—Added 1946—

**Sec. 14. Labor organization; definition.**

The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Source:

Neb. Const. art. XV, sec. 14 (1946);

Adopted 1946, Initiative Measure No. 302, sec. 2.

—Added 1946—

**Sec. 15. Labor organizations; amendment self-executing; laws to facilitate operation permitted.**

This article is self-executing and shall supersede all provisions in conflict therewith; legislation may be enacted to facilitate its operation but no law shall limit or restrict the provisions hereof.

Source:

Neb. Const. art. XV, sec. 15 (1946);

Adopted 1946, Initiative Measure No. 302, sec. 3.

**Sec. 16. Repealed 1972. Laws 1971, LB 688, sec. 1.**

(**Note:** Laws 1971, LB 688 proposed amending Article XIII, section 2, with the language repealed from Article XV, section 16. Voters approved.

Since then, this original language has been amended in Article XIII, section 2. The repealed language read, "Notwithstanding any other





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provision in the Constitution, the Legislature may authorize any county, incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property to manufacturing and industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any such real or personal property so acquired, owned, developed or used by any such county, city or village, shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The provisions of Article XIII, section 2, of the Constitution, shall not apply to the issuance of revenue bonds herein provided for. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenues therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.”)

—Added 1966—

**Sec. 17. Retirement and pension funds; investment.**

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Notwithstanding section 3 of Article XIII or any other provision in the Constitution:

(1) The Legislature may provide for the investment of any state funds, including retirement or pension funds of state employees and Nebraska school employees in such manner and in such investments as it may by statute provide; and

(2) The Legislature may authorize the investment of retirement or pension funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in such manner and in such investments as the governing body of such city, village, school district, public power district and other governmental or political subdivision may determine but subject to such limitations as the Legislature may by statute provide.

Source:

Neb. Const. art. XV, sec. 17 (1966);  
Adopted 1966, Laws 1965, c. 302, sec. 2(2), p. 852.

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### —Added 1972—

**Sec. 18. Governmental powers and functions; intergovernmental cooperation; Legislature may limit; merger or consolidation of counties or other local governments authorized.**

(1) The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law.



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(2) The Legislature may provide for the merger or consolidation of counties or other local governments. No merger or consolidation of municipalities or counties shall occur without the approval of a majority of the people voting in each municipality or county to be merged or consolidated as provided by law. If the proposal is a merger or consolidation of one or more municipalities with one or more counties, the vote shall be tabulated in each municipality in the county or counties separately from the areas of the county or counties outside the boundaries of the municipalities. If the merger or consolidation is not approved by a majority of voters voting in the election in a municipality proposed to be merged or consolidated or the areas of the county or counties outside the boundaries of such municipality or municipalities, the proposed merger or consolidation shall be deemed rejected. Any merger or consolidation of local governments may be initiated by petition as provided by law. Annexation shall not be considered a merger or consolidation for purposes of this section. If the Legislature provides for the merger or consolidation of one or more municipalities with one or more counties, the Legislature shall provide for the reversal of the merger or consolidation. No such reversal shall occur without voter approval. The vote shall be tabulated in each municipality which is proposed to be created by the reversal separately from the areas outside the boundaries of the proposed municipalities. If the reversal is not approved by a majority of

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voters voting in the election in the area within the boundaries of any proposed municipality or the areas outside the proposed municipalities, the reversal shall be deemed rejected.

Source:  
Neb. Const. art. XV, sec. 18 (1972);  
Adopted 1972, Laws 1971, LB 604, sec. 1;  
Amended 1998, Laws 1998, LR 45CA, sec. 2.

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—Added 1992—

**Sec. 19. Liquor licenses; municipalities and counties; powers.**

Notwithstanding any other provision of this Constitution, the governing bodies of municipalities and counties are empowered to approve, deny, suspend, cancel, or revoke retail and bottle club liquor licenses within their jurisdictions as authorized by the Legislature.

Source:  
Neb. Const. art. XV, sec. 19 (1992);  
Adopted 1992, Laws 1992, LR 9CA, sec. 1.

**Sec. 20. Omitted.**

(Note: The omitted language read, "(1) In order to broaden the opportunities for public service and to assure that elected officials of governments are responsible to the citizens of those governments, no elected member of any governing board of any city of the metropolitan class, primary class, or first class, and no elected members of any County Board of Commissioners or Supervisors, shall serve more than two consecutive terms in office, except that with respect to terms of office which are two years or shorter in duration, no such elected



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official shall serve more than three consecutive terms in office. This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1995. For purposes of this Section, terms are considered consecutive unless they are at least four years apart.

(2) The voters of any city or county referred to above in Article XV, Section 20(1), may lengthen shorten, or eliminate the limitations on terms of office imposed by this Section 20.)

Source:

Note: Article XV, sections 20 to 24, of the Constitution of Nebraska, as adopted in 1994 by Initiative 408, have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

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### Sec. 21. Omitted.

(Note: The omitted language read, "Any person who shall have been elected to serve three consecutive terms in the office of Representative in Congress shall not be listed on any official ballot at any primary or general election to seek a fourth consecutive term; and any person who shall have been elected to serve two consecutive terms in the office of United States Senator shall not be listed on any official ballot at any primary or general election to seek a third consecutive term and neither may be listed on an official ballot as a candidate for a period of years equal to the number of years in the term for which that person was last elected as Representative in Congress or as a United States Senator. The term held and being served



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as the result of an election prior to the effective date of this amendment shall not be included in the number of consecutive terms referred to in stipulating ineligibility to file for election or to be listed on an election ballot.”)

Source:

Note: Article XV, sections 20 to 24, of the Constitution of Nebraska, as adopted in 1994 by Initiative 408, have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

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### Sec. 22. Omitted.

(Note: The omitted language read, “The following provisions of this section shall apply to the state offices of Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General members of the State Legislature, elected members of the Public Service Commission, elected members of the State Board of Education, elected members of the Board of Regents of the University of Nebraska:

No person shall be appointed to serve in an office previously held by election.

A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein.

The term held and being served as the result of an election prior to the effective dates of this amendment shall not be included in the number of consecutive terms referred to in stipulating ineligibility to file for election or to serve for any of the offices named in this initiative petition.”)



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Source:  
 Note: Article XV, sections 20 to 24, of the Constitution of Nebraska, as adopted in 1994 by Initiative 408, have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

**Sec. 23. Omitted.**  
 (Note: The omitted language read, "The Secretary of State and all other elections officers of the state and counties of Nebraska, are prohibited from placing or permitting to be placed any name on any official ballot in violation of the provisions of Article III Section 8; Article IV Section 3 and 20; Article VII Section 3 and 10; Article XV, Section 20, 21, and 22; and violation thereof of any of these provisions shall be grounds for removal from office, and disqualifications inholding any other public office in Nebraska or any county or political subdivision and thereof and shall be subject to such other punishments as the Legislature may from time to time prescribe. Any registered voter of the state may seek enforcement of these provisions.")

Source:  
 Note: Article XV, sections 20 to 24, of the Constitution of Nebraska, as adopted in 1994 by Initiative 408, have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

**Sec. 24. Omitted.**  
 (Note: The omitted language read, "If any of the



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provisions hereby adopted shall be held void for any reason, the remaining provisions shall continue in full force and effect.”)

Source:

Note: Article XV, sections 20 to 24, of the Constitution of Nebraska, as adopted in 1994 by Initiative 408, have been omitted because of the decision of the Nebraska Supreme Court in *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

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### —Added 2012—

**Sec. 25. Right to hunt, to fish, and to harvest wildlife; public hunting, fishing, and harvesting of wildlife; preferred means of managing and controlling wildlife.**

The citizens of Nebraska have the right to hunt, to fish, and to harvest wildlife, including by the use of traditional methods, subject only to laws, rules, and regulations regarding participation and that promote wildlife conservation and management and that preserve the future of hunting, fishing, and harvesting of wildlife.

Public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass or property rights. This section shall not be construed to modify any provision of law relating to Article XV, section 4, Article XV, section 5, Article XV, section 6, or Article XV, section 7, of this constitution.

Source:

Neb. Const. art. XV, sec. 25 (2012);

Adopted 2012, Laws 2012, LR 40CA, sec. 1.





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### Article XVI Amendments

#### Sec. 1. How Proposed.

The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.

Source:

Neb. Const. art. XV, sec. 1 (1875);

Amended 1920, Constitutional Convention, 1919-1920, No. 39;

Transferred by Constitutional Convention, 1919-

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### Article XV Amendments

**Sec. 1.** Either branch of the legislature may propose amendments to this constitution, and if the same be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and published at least once each week in at least one newspaper in each county, where a newspaper is published, for three months immediately preceding the next election of senators and representatives, at which election the same shall be submitted to the electors for approval or rejection, and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of this constitution. When more than one amendment is submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.

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### Article IX Amendments



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1920, art. XVI, sec. 1;  
Amended 1952, Laws 1951, c. 161, sec. 1, p. 638;  
Amended 1968, Laws 1967, c. 317, sec. 1, p. 848.

### **Sec. 2. Convention.**

When three-fifths of the members elected to the Legislature deem it necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote at the next election of members of the Legislature, for or against a convention, and if a majority of the electors voting on the proposition, vote for a convention, the Legislature shall, at its next session provide by law for calling the same; Provided, the votes cast in favor of calling a convention shall not be less than thirty-five per cent of the total votes cast at such election. The convention shall consist of not more than one hundred members, the exact number to be determined by the Legislature, and to be nominated and elected from districts in the manner to be prescribed by the Legislature. Such members shall meet within three months after their election, for the purpose aforesaid. No amendment or change of this constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the state, and adopted by a majority of those voting for and against the same.

Source:

Neb. Const. art. XV, sec. 2 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. XVI, sec. 2;  
Amended 1952, Laws 1951, c. 162, sec. 1, p. 640.

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**Sec. 2.** When three-fifths of the members elected to each branch of the legislature deem it necessary to call convention to revise, amend, or change this constitution, they shall recommend to the electors to vote at the next election of members of the legislature for or against a convention, and if a majority voting at said election vote for a convention, the legislature shall, at its next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid. No amendment or change of this constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the state, and adopted by a majority of those voting for and against the same.

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**Sec. 1.** If at any time a majority of the Senate and House of Representatives shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the Legislature shall at its next session provide for calling such convention.



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### Article XVII Schedule

—Added 1920—

#### Sec. 1. Terms; reference to members of the Legislature to include appointed and elected members.

Whenever they shall appear in this Constitution, the terms members of the Legislature, elected members of the Legislature, or similar terms referring to the members of the Legislature, shall include appointed and elected members of the Legislature.

Source:

Neb. Const. art. XVI, sec. 1 (1920);

Adopted 1920, Constitutional Convention, 1919-1920, No. 41;

Transferred by Constitutional Convention, 1919-1920, art. XVII, sec. 1;

Amended 1972, Laws 1971, LB 504, sec. 1.

#### Sec. 2. Repealed 1972. Laws 1971, LB 504, sec. 1.

(**Note:** The repealed language read, “That Sections 1,2,3,4,5,6,7,8,9,10, 11, 12, 15, 16, 17, 18, 19, 21, 22, 23, 24, and 27 of Article XVI be repealed and eliminated therefrom.” The Constitutional Convention of 1920 recommended—and voters adopted—eliminating 13 sections from what was then Article XVI of 1875. The Constitutional Revision Commission recommended an additional five be repealed in 1970.)

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### Article XVI Schedule

**Sec. 1.** That no inconvenience may arise from the revisions and changes made in the constitution of this state, and to carry the same into effect, it is hereby ordained and declared that all laws in force at the time of the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this state, individuals, or bodies corporate, shall continue to be as valid as if this constitution had not been adopted.

**Sec. 2.** All fines, taxes, penalties, and forfeitures owing to the state of Nebraska, or to the people thereof, under the present constitution and

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### Article XI Schedule

**Sec. 1.** That no inconvenience may arise from the change of territorial government to a State government, it is declared that all rights, suits, actions, prosecutions, judgments, recognizances, claims and contracts, both as respects persons and bodies corporate, shall continue and be enforced as if no change had taken place, and all laws now in force shall remain in force until altered, amended, or appealed by the Legislature; Provided, wherever the word Territory shall occur, it shall be construed to mean State, whenever it may be necessary, in order that such, laws may conform to the State government.



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laws, shall inure to the use of the people of the state of Nebraska under this constitution.

**Sec. 3.** Recognizances, bonds, obligations and all other instruments entered into or executed upon the adoption of this constitution, to the people of the state of Nebraska, to the state of Nebraska, to any state or county officer, or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue; and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this state.

**Sec. 4.** All existing courts which are not in this constitution specifically enumerated, and concerning which no other provision is herein made, shall continue in existence, and exercise their present jurisdiction until otherwise provided by law.

**Sec. 5.** All persons now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions, elections, or appointments, unless by this constitution it is otherwise directed.

**Sec. 6.** The district attorneys now in office shall continue during their unexpired terms to hold and exercise the duties of their respective offices in the judicial districts herein created, in which they severally reside. In each of the remaining districts one such officer shall be elected at the first general election, and hold his

**Sec. 2.** All debts, fines, penalties, recognizances, and forfeitures, due and owing to the Territory of Nebraska, shall inure to the benefit of the State, and all obligations and bonds to the Territory of Nebraska or any office thereof, shall be esteemed and taken as due and owing to the State of Nebraska, and may be in such manner enforced.

**Sec. 3.** The Governor and all other officers of the Territorial government, shall continue to discharge and exercise the duties of their respective offices, until superseded by the provisions of this Constitution or the officers appointed or elected by authority of its provisions.

**Sec. 4.** The first election for Governor, Secretary of State, Auditor of State, one Representative to Congress, the Justice of the Supreme Court, the members of the Senate and House of Representatives, shall be held on the second day of June, one thousand eight hundred and sixty-six, at the places, and in the manner now prescribed by law for general elections. The members of the Senate shall be elected in and from the same districts that are now prescribed by law for councilmen districts. The members of the House of Representatives shall be elected in and from the same districts that are now prescribed by law for members of the House of Representatives of the Territory of Nebraska, and all the officers mentioned, to-wit: Senators and Representatives shall hold their offices



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office until the expiration of the terms of those now in office.

**Sec. 7.** This constitution shall be submitted to the people of the state of Nebraska, for adoption or rejection, at an election to be held on the second Tuesday of October, A. D. 1875, and there shall be separately submitted at the same time for adoption or rejection the independent article relating to "Seat of government," and the independent article "Allowing electors to express their preference for United States senator."

**Sec. 8.** At said election the qualified electors shall vote at the usual places of voting, and the said election shall be conducted and the returns thereof made according to the laws now in force regulating general elections, except as herein otherwise provided.-

**Sec. 9.** The secretary of state shall, at least twenty days before said election, cause to be delivered to the county clerk of each county blank poll-books, tally lists, and forms of return, and twice as many of properly prepared printed ballots for the said election as there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary as is by law required to be audited and paid ; and the several county clerks shall, at least five days before said election, cause to be distributed to the judges of election in each election precinct in their respective counties said blank poll-books, tally

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until the first Monday in January, A. D. 1867; Governor, Secretary of State, State Auditor and Treasurer, until the second Monday in January, A. D. 1869, and until their successors are elected and qualified; the Supreme Judges until the first day of January, A D. 1873.

**Sec. 5.** The first session of the Legislature shall be held at the capitol in the city of Omaha, commencing on the fourth day of July, A.D. 1866.

**Sec. 6.** This Constitution is formed, and the State of Nebraska asks to be admitted into the Union on an equal footing with the original States on the condition and faith of the terms and propositions stated and specified in an act of Congress approved April nineteenth, 1864, authorizing the people of the Territory to form a Constitution and State Government; the people of the State of Nebraska hereby accepting the conditions in said act specified.

**Sec. 7.** The foregoing Constitution shall be submitted to the electors of the Territory of Nebraska at an election to be held on the second day of June in the year one thousand eight hundred and sixty-six, in the several election districts of this Territory. The ballots at such elections shall be written or printed as follows :

Those in favor of the Constitution, "For the Constitution."



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lists, forms of return, and tickets.

**Sec. 10.** At the said election the ballots shall be of the following form:

For the new constitution.

Against the new constitution.

For the article relating to "Seat of government."

Against the article relating to "Seat of government."

For the article "Allowing electors to express their preference for United States senators."

Against the article "Allowing the electors to express their preference for United States senators."

**Sec. 11.** The returns of the whole vote cast, and the votes for the adoption or rejection of this constitution, and for or against the article respectively submitted shall be made by the several county clerks to the secretary of state, within fourteen days after the election, and the returns of the said vote, shall, within three days thereafter, be examined and canvassed by the president of this convention, the secretary of state, and the governor, or any two of them, and proclamation shall be made forthwith by the governor, or the president of this convention, of the result of the canvass.

**Sec. 12.** If it shall appear that a majority of the votes polled are "for the new constitution," then so much of this new constitution as was not separately submitted to be voted on by article shall be the supreme law of the state of Nebraska, on and after the first day of

Those against the Constitution, "Against the Constitution."

The polls at said elections shall be opened at the hour of nine o'clock A. M., and close at six o'clock P. M., and the returns of said elections shall be made to the acting Governor of the Territory, who, together with the United States District Attorney and Chief Justice of the Territory, or any two of them, shall canvass the same, and if a majority of the legal votes shall be cast for said Constitution, the same shall be the Constitution of Nebraska.

Said Governor shall certify the same to the President of the United States; Provided, that the said election shall be conducted and the returns made in the same manner and under the same regulations as are prescribed by law, in the case of the election of Territorial officers.

The election returns for the Governor, Secretary of State, Auditor, Treasurer and Supreme Judges, shall be made to the same offices, and the canvass of such return made in the same manner as is now, prescribed by law for Delegates in Congress.



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November, A. D. 1875. But if it shall appear that a majority of the votes polled were "against the new constitution," the whole thereof, including the articles separately submitted, shall be null and void. If the votes "for the new constitution" shall adopt the same, and it shall appear that a majority of the votes polled are for the article relating to "the seat of government," said article shall be a part of the constitution of this state. If the votes "for the new constitution" shall adopt the same and it shall appear that the majority of the votes polled are for the article "allowing electors to express their preference for United States senator," said article shall be a part of the constitution of this state.

**Sec. 15.** The supreme, district, and county courts established by this constitution shall be the successors respectively of the supreme court, the district, and the probate courts, having jurisdiction under the existing constitution.

**Sec. 16.** The supreme, district, and probate courts now in existence shall continue, and the judges thereof, shall exercise the power and retain their present jurisdiction until the courts provided for by this constitution shall be organized.

**Sec. 17.** All cases, matters, and proceedings pending undetermined in the several courts, and all records, judgments, orders, and decrees remaining therein, are hereby transferred to and shall be proceeded in and enforced in and by the successors thereof respectively.

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**Sec. 18.** If this constitution be adopted, the existing constitution shall cease in all its provisions on the first day of November, A. D. 1875.

**Sec. 19.** The provisions of this constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

**Sec. 21.** On the taking effect of this constitution, all state officers hereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this constitution.

**Sec. 22.** The regents of the university shall be elected at the first general election under this constitution, and be classified by lot so that two shall hold their offices for the term of two years, two for the term of four years, and two for the term of six years.

**Sec. 23.** The present executive state officers shall continue in office until the executive state officers provided for in this constitution shall be elected and qualified.

**Sec. 24.** The returns of the whole vote cast for the judges of the supreme and district courts, district attorneys, and regents of the university, under the first general election, shall be made by the several county clerks to the secretary of state within fourteen days after the election; and the returns of the said





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votes shall, within three days thereafter, be examined and canvassed by the governor, secretary of state, and the president of this convention, or any two of them, and certificates of election shall forthwith be issued by the secretary of state to the persons found to be elected,

**Sec. 27.** The members of the first legislature under this constitution shall be elected in the year 1876.

**Sec. 3. Repealed 1972. Laws 1971, LB 504, sec. 1.**

(**Note:** The repealed language read, "Until otherwise provided by law the salary of the Lieutenant Governor shall be twice the salary of a member of the Legislature.")

**Sec. 4. General election of state.**

The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct, township and other officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, villages and towns, shall be elected at a general election to be held as aforesaid. An incumbent of any office shall hold over until his successor is duly elected and qualified.

Source:  
Neb. Const. art. XVI, sec. 13 (1875);  
Amended 1912, Laws 1911, c. 226, sec. 2, p. 679;  
Transferred by Constitutional Convention, 1919-

**Sec. 13.** The general election of this state shall be held on Tuesday succeeding the first Monday of November of each year, except the first general election, which shall be on the second Tuesday in October, 1875.

All state, district, county, precinct, and township officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, villages, and towns, shall be elected at a general election to be held as aforesaid. Judges of the supreme, district, and county courts, all elective county and precinct officers, and all other elective officers, the time for the election of whom is not herein otherwise provided for, and which are not included in the above exception,



2016

1920, art. XVII, sec. 4;  
Amended 1972, Laws 1971, LB 504, sec. 1.

1875

shall be elected at the first general election, and thereafter at the general election next preceding the time of the termination of their respective terms of office; Provided, That the office of no county commissioner shall be vacated hereby.

1866

**Sec. 5. Terms of office of all elected officers.** Unless otherwise provided by this Constitution or by law the terms of all elected officers shall begin on the first Thursday after the first Tuesday in January next succeeding their election.  
Source:  
Neb. Const. art. XVI, sec. 14 (1875);  
Transferred by Constitutional Convention, 1919-1920, art. XVII, sec. 5;  
Amended 1972, Laws 1971, LB 504, sec. 1.

**Sec. 14.** The terms of office of all state and county officers, or judges of the supreme, district, and county courts, and regents of the university shall begin on the first Thursday after the first Tuesday in January next succeeding their election. The present state and county officers, members of the legislature, and regents of the university, shall continue in office until their successors shall be selected and qualified.

**Sec. 6. Transferred to Article III, section 30, Constitution of Nebraska.**

**Sec. 7. Repealed 1972. Laws 1971, LB 504, sec. 1.** (Note: The repealed language read, "The Legislature shall provide for the drawing of the warrants of the state for the payment of the salaries of all officers under this constitution, whose compensation is not otherwise provided for, which shall be paid out of any funds not otherwise appropriated.")

**Sec. 25.** The auditor shall draw the warrants of the state quarterly for the payment of the salaries of all officers under this constitution, whose compensation is not otherwise provided for, which shall be paid out of any funds not otherwise appropriated.

**Sec. 8. Repealed 1972. Laws 1971, LB 504, sec. 1.** (Note: The repealed language was the same as Sec. 26, 1875.)

**Sec. 26.** Until otherwise provided by law, the judges of the district courts shall fix the time of holding courts in their respective districts.



**2016**

**Sec. 9. Repealed 1998. Laws 1997, LR 17CA, sec. 3.**

(Note: The repealed language was the same as Sec. 28, 1875.)

**1875**

**Sec. 28.** This constitution shall be enrolled and deposited in the office of the secretary of state, and printed copies thereof shall be prefixed to the books containing the laws of the state, and all future editions thereof.

**1866**

**Sec. 10. (Failed to carry at election.)**

Note: Legislative Bill 30, corresponding to Chapter 25 of the Session Laws of 1939 and consisting of three sections, proposed an amendment to the Constitution. Section 2 of the bill provided that an additional section should be inserted in Article XVII "to be known and numbered" as section 10. The amendment was rejected in the election of 1940. Legislative Bill 179, corresponding to Chapter 109 of the Session Laws for 1939, likewise proposed an amendment which was adopted. Section 2 of this bill provided that an additional section should be inserted in Article XVII "to be known and numbered" as section 11. For this reason there is no section 10 of Article XVII.

**—Added 1940—**

**Sec. 11. Repealed 1972. Laws 1971, LB 504, sec. 1.**

(Note: The repealed language read, "This amendment shall be self-executing, and after it becomes effective, all statutes and laws and provisions of this Constitution referring to the present Boards of Educational Lands and Funds shall mean and included, while in effect, said board of commissioners, the Board of Educational Lands and Funds, as constituted hereby; and this amendment shall be in full force and take effect on the first Thursday after the first Tuesday in January, 1941.")



## 2016

### Article XVIII Terms Limits on Congress

—Adopted 1996—

#### Sec. 1. Statement of intent.

The people of the State of Nebraska want to amend the United States Constitution to establish term limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment to the United States Constitution to two terms in office. Governors in forty states are limited to two terms or less. Voters have established term limits for over two thousand state legislators as well as over seventeen thousand local officials across the country. Nevertheless, Congress has ignored our desire for term limits not only by proposing excessively long terms for its own members but also by utterly refusing to pass an amendment for genuine congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the 104th Congress voted against a constitutional amendment containing the term limits passed by a wide margin of Nebraska voters. The people, not Congress, should set term limits. We hereby establish as the official position of the citizens and State of Nebraska that our elected officials should enact by constitutional amendment congressional term limits of three terms in the United States House of Representatives and of two terms in the United States Senate.

## 1875

No equivalent article

## 1866

(Several provisions from the Constitution of 1866 were excluded from the Constitution of 1875 and, subsequently, have no apparent parallel in 2016. They are listed here.)

**Art. 1, Sec. 19.** The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

**Art. III, Sec. 14.** All grants and commissions shall be issued in the name, and by the authority of the State of Nebraska, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State.

**Art. IV, Sec. 7.** The Legislature shall by law provide that on the entry or commencement of any suit in the District Court, the party so commencing or entering such suit, shall, before the same is so commenced or entered, pay to the clerk of said District Court the sum of five dollars; and in like manner on the entry or commencement of any suit in the Supreme Court, shall pay the sum of ten dollars to the clerk thereof, which money so paid, shall be for the use of the State, and shall be paid by said clerks to the proper offices designated by law, as by law may be required; which money so received shall be held and esteemed as a judiciary fund, and to be applied in payment of the salaries of the Justices of the Supreme Court. Which amounts so paid shall be taxed as costs against the unsuccessful party,



## 2016

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for term limits; they have voted to dramatically raise their own pay; they have provided lavish million-dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly \$5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government. Congress has grown increasingly distant from the people of the states. The people have the sovereign right and compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

We hereby state our intention on behalf of the people of Nebraska, that this initiative lead to the adoption of the following amendment to the United States Constitution:  
 CONGRESSIONAL TERM LIMITS AMENDMENT TO THE UNITED STATES CONSTITUTION

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## 1866

and collected as other costs: Provided, the Legislature may provide by law for dispensing with the payment of said sums of money in cases where the party so commencing or entering suit shall be really unable to pay the same, and the amount shall in all cases be taxed and collected as other costs: Provided, also, that the Legislature shall have power whenever the amount so received shall exceed the salaries of the Judges of the Supreme Court, to reduce the amount to be paid so that the gross amount will not exceed such salaries.

**Art. IV, Sec. 9.** In all cases heard before the Supreme Court, as an appellate court, the Justice who may have tried such cause in the court below shall not participate in the decision thereof until the other two Justices, if present, shall have failed to agree in the decision of such cause.

**Art. VI, Sec. 1.** The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to the State, and any other State or Territory now and hereafter to be formed and bounded by the same. And the river Missouri, and the navigable waters leading into the Missouri, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the State as to the citizens of the United States, without any tax, impost, or duty therefor.

**Art. VI, Sec. 2.** The title of all lands and other



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Section 1. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

Section 3. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.

Therefore, we the people of the State of Nebraska, have chosen to amend the Constitution of Nebraska to inform voters regarding incumbent and nonincumbent federal and state candidates' support for the congressional term limits amendment provided for in this section.

Source:

Neb. Const. art. XVIII, sec. 1 (1996);

Adopted 1996, Initiative Measure No. 409.

--Adopted 1996. Invalidated by court decision, Miller v. Moore, 169 F.3d 1119 (8th Cir. 1999)

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property, which have accrued to the territory of Nebraska, by grant, gift, purchase, forfeiture, escheat, or otherwise, shall vest in the state of Nebraska.

**Art. VI, Sec. 3.** The people of the State, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail from a defect of heirs, shall revert, or escheat to the people.

**Art. VIII, Sec. 4.** The Legislature shall provide for the organization of cities and incorporated villages by general laws; and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credits, so as to prevent the abuse of such power.

**Art. X, Sec. 1.** The State of Nebraska shall consist of all the territory included within the following boundaries, to-wit: Commencing at a point formed by the intersection of the western boundary of the State of Missouri, with the fortieth degree of north latitude; extending thence due west along said fortieth degree of north latitude, to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence north along said twenty-fifth degree of longitude, to a point formed by its intersection with the forty-first degree of north latitude; thence west along said forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude west from



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Washington; thence north along said twenty-seventh degree of west longitude, to a point formed by its intersection with the forty-third degree of north latitude; thence east along said forty-third degree of north latitude, to the Keya Paha river; thence down the middle of the channel of said river, with its meanderings, to its junction with the Niobrara River; thence down the middle of the channel of said Niobrara River, and following the meanderings thereof to its junction with the Missouri River; thence down the middle of the channel of said Missouri River, and following the meanderings thereof to the place of beginning.

**Sec. 2. Instruction to members of congressional delegation; ballot notation; when.**

(1) We, the voters of Nebraska, hereby instruct each member of our congressional delegation to use all of his or her delegated powers to pass the congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution.

(2) All primary and general election ballots shall have printed the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or United States Representative who:

- (a) Fails to vote in favor of the proposed congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution, when brought to a vote;
- (b) Fails to second such proposed congressional term limits amendment if it lacks



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for a second before any proceeding of the legislative body;

(c) Fails to propose or otherwise bring to a vote of the full legislative body such proposed congressional term limits amendment if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body such proposed congressional term limits amendment;

(d) Fails to vote in favor of all votes bringing such proposed congressional term limits amendment before any committee or subcommittee of the respective house upon which he or she serves;

(e) Fails to reject any attempt to delay, table, or otherwise prevent a vote by the full legislative body of such proposed congressional term limits amendment;

(f) Fails to vote against any proposed constitutional amendment that would establish longer term limits than those in the proposed congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution, regardless of any other actions in support of such proposed congressional term limits amendment;

(g) Sponsors or cosponsors any proposed constitutional amendment or law that would increase term limits beyond those in the proposed congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution; or

(h) Fails in any way to ensure that all votes on congressional term limits are recorded and made available to the public.

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(3) The information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of incumbent candidates for Congress if the congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution, is before the states for ratification or has become part of the United States Constitution.

Source:

Neb. Const. art. XVIII, sec. 2 (1996);

Adopted 1996, Initiative Measure No. 409.

--Adopted 1996. Invalidated by court decision, *Miller v. Moore*, 169 F.3d 1119 (8th Cir. 1999)

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### **Sec. 3. Nonincumbent candidates; Term Limits Pledge; ballot notation; when.**

(1) Nonincumbent candidates for the United States Senate, the United States House of Representatives, and the Legislature should be given an opportunity to take a "Term Limits Pledge" regarding term limits each time they file to run for such offices. Any such person who declines to take the "Term Limits Pledge" shall have the information "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to his or her name on every primary and general election ballot.

(2) The "Term Limits Pledge" shall be offered to nonincumbent candidates for the United States Senate, the United States House of Representatives, and the Legislature until a constitutional amendment which limits the number of terms of United States Senators to no more than two and United States Representatives to no more than three has become part of our



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United States Constitution.  
 (3) The "Term Limits Pledge" that each nonincumbent candidate, set forth in subsections (1) and (2) of this section, shall be offered is as follows: I support term limits and pledge to use all my legislative powers to enact the proposed constitutional amendment to the United States Constitution set forth in Article XVIII, section 1, of this Constitution. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.  
 ..... Signature of Candidate  
 Source:  
 Neb. Const. art. XVIII, sec. 3 (1996);  
 Adopted 1996, Initiative Measure No. 409.  
 --Adopted 1996. Invalidated by court decision, Miller v. Moore, 169 F.3d 1119 (8th Cir. 1999)

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**Sec. 4. Instruction to members of the Legislature; ballot notation; when.**  
 (1) We the voters of Nebraska, hereby instruct each member of the Legislature to use all of his or her delegated powers to pass an application pursuant to Article V of the United States Constitution as set forth in subsection (2) of this section, and to ratify, if proposed, the congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution.  
 (2) Application: We, the people and the Legislature, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V of the United States Constitution, to call a convention for proposing amendments to the



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United States Constitution.

(3) All primary and general election ballots shall have the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any respective member of the Legislature who:

- (a) Fails to vote in favor of the application set forth in subsection (2) of this section when brought to a vote;
- (b) Fails to second the application if it lacks for a second;
- (c) Fails to vote in favor of all votes bringing the application before any committee or subcommittee upon which he or she serves;
- (d) Fails to propose or otherwise bring to a vote of the full legislative body the application if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the application;
- (e) Fails to vote against any attempt to delay, table, or otherwise prevent a vote by the full legislative body on the application;
- (f) Fails in any way to ensure that all votes on the application are recorded and made available to the public;
- (g) Fails to vote against any change, addition, or modification to the application;
- (h) Fails to vote in favor of the congressional term limits amendment if it is sent to the states for ratification; or
- (i) Fails to vote against any term limits amendment with longer terms if such an amendment is sent to the states for ratification.

(4) The information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" shall not

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appear adjacent to the names of candidates for the Legislature as required by subdivisions (3) (a) through (3)(g) of this section if the State of Nebraska has made an application to Congress for a convention for proposing amendments to the United States Constitution pursuant to this initiative and such application has not been withdrawn or the congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution, has been submitted to the states for ratification.

(5) The information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Legislature as required by subdivisions (3)(h) and (3)(i) of this section if the State of Nebraska has ratified the proposed congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution.

(6) The information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Legislature as required by subdivisions (3) (a) through (3)(i) of this section if the proposed congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution, has become part of the United States Constitution.

Source:

Neb. Const. art. XVIII, sec. 4 (1996);

Adopted 1996, Initiative Measure No. 409.

--Adopted 1996. Invalidated by court decision, *Miller v. Moore*, 169 F.3d 1119 (8th Cir. 1999)

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### **Sec. 5. Ballot notation; Secretary of State; duties; appeal.**

(1) The Secretary of State shall be responsible to make an accurate determination as to whether a candidate for the United States Senate, the United States House of Representatives, or the Legislature shall have placed adjacent to his or her name on the election ballot the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS."

(2) The Secretary of State shall consider timely submitted public comments prior to making the determination required in subsection (1) of this section.

(3) The Secretary of State, in accordance with subsection (1) of this section, shall determine and declare what information, if any, shall appear adjacent to the name of each incumbent member of Congress if he or she was to be a candidate in the next election. In the case of United States Representatives and United States Senators, this determination and declaration shall be made in a fashion necessary to ensure the orderly printing of primary and general election ballots with allowance made for all legal action provided in subsections (5) and (6) of this section, and shall be based upon his or her action during his or her current term of office and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election. In the case of incumbent members of the Legislature, this determination and declaration shall be

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made not later than thirty days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session.

(4) The Secretary of State shall determine and declare what information, if any, will appear adjacent to the names of nonincumbent candidates for Congress and the Legislature, not later than five business days after the deadline for filing for the office.

(5) If the Secretary of State makes the determination that the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall not be placed on the ballot adjacent to the name of a candidate for the United States Senate, the United States House of Representatives, or the Legislature, any elector may appeal such decision within five business days to the Nebraska Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the Secretary of State to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this article and therefore should not have the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(6) If the Secretary of State determines that the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall be placed on the ballot adjacent to a candidate's

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name, the candidate or any elector may appeal such decision within five business days to the Nebraska Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the candidate or any elector to demonstrate by clear and convincing evidence that the candidate should not have the information "DISREGARDED VOTERS INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(7) The Nebraska Supreme Court shall hear the appeal provided for in subsection (5) of this section and issue a decision within sixty days. The Nebraska Supreme Court shall hear the appeal provided for in subsection (6) of this section and issue a decision not later than sixty-one days before the date of the election.

Source:  
Neb. Const. art. XVIII, sec. 5 (1996);  
Adopted 1996, Initiative Measure No. 409.

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### **Sec. 6. Automatic repeal; when.**

At such time as the congressional term limits amendment set forth in Article XVIII, section 1, of this Constitution, has become part of the United States Constitution, sections 1 through 6 of this article automatically shall be repealed.

Source:  
Neb. Const. art. XVIII, sec. 6 (1996);  
Adopted 1996, Initiative Measure No. 409.

### **Sec. 7. Legal challenge; jurisdiction.**

Any legal challenge to this initiative shall be



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filed as an original action before the Nebraska Supreme Court.

Source:

Neb. Const. art. XVIII, sec. 7 (1996);

Adopted 1996, Initiative Measure No. 409.

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### **Sec. 8. Severability.**

If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.

Source:

Neb. Const. art. XVIII, sec. 8 (1996);

Adopted 1996, Initiative Measure No. 409.





# Resources



**Numerous resources were consulted in compiling this document. They include:**

- *The Nebraska State Constitution*, Robert D. Miewald, Peter J. Longo, & Anthony B. Schutz, University of Nebraska Press, 2009.
- *The Nebraska Constitution 1866-1997*, Legislative Research Office and the Nebraska Constitutional Revision Commission, January 1997.
- Official Report of the Debates and Proceedings in the Nebraska Constitutional Convention, June 13, 1871 Vols.1-111, Addison E. Sheldon, Nebraska State Historical Society.
- Nebraska Blue Book, numerous editions, compiled by the Clerk of the Legislature.
- Laws of Nebraska, 14 Sess. 1877, passed at the Fourteenth Session of the Legislative Assembly, Constitution of 1875.

**The story of writing Nebraska's Constitution and the journey to statehood is fascinating reading. In addition to the definitive book about the State Constitution by Professors Miewald, Longo, and Schutz cited above, we recommend the following additional sources:**

- *Constitutional Revision in Nebraska: A Brief History and Commentary*, Nebraska Law Review, Vol. 40, Issue 4, 1961, A.B. Winter, University of Nebraska.
- *History of Nebraska*, James C. Olson, University of Nebraska Press, 1966.
- "Frontier Framers: Constitution Making in Nineteenth Century Nebraska," Thomas H. Cox, *The History of Nebraska Law*, edited by Alan G. Gless, Ohio University Press, 2008.



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