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CONTINUITY OF GOVERNMENT PROVISIONS IN STATE CONSTITUTIONS

Continuity of government is a broad concept that involves establishing procedures to allow essential government functions to continue in a variety of emergency situations or catastrophic events. The National Conference of State Legislatures (NCSL) notes that continuity of government provisions, in addition to other areas of government, include many aspects of the legislative process, including how a legislature is or may be convened in an emergency, succession procedures for public officials, and the location of legislative sessions. This memorandum discusses provisions related to continuity of government that are contained in states' constitutions, specifically those that impact legislative functioning.

Some states, including some that are not identified as having constitutional provisions addressing continuity of government, have statutes that pertain to continuity of government. Those statutory provisions are not discussed in this memorandum. This memorandum also does not discuss state constitutional or statutory provisions that accomplish a similar result as the provisions discussed below, but apply more broadly and not just in exigent circumstances. For example, the Kansas governor has the authority to call the Legislature into special session, but this authority is not associated only with a catastrophic event.

Overview of State Constitutional Provisions on Continuity of Government

During the Cold War, states were encouraged to adopt continuity of government provisions in their constitutions, and federal authorities released model language in 1959.¹ According to NCSL², 34 states have provisions related to continuity of government in their constitutions. The most common provisions are summarized below. The language of those provisions is provided in Appendix A.

1 Eric R. Daleo, "[State Constitutions and Legislative Continuity in a 9/11 World: Surviving an "Enemy Attack](#)," 58 DePaul L. Rev. 919 (2009), p.p 933-934. The proposed language was this: "The Legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers hereby 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 to do so would be impracticable or would admit of undue delay."

2 "[Continuity of Government in Constitutions](#)," dated March 6, 2020, accessed April 27, 2020.

Triggering Event

- **Reference to “enemy,” “enemy attack,” “invasion,” or “war”**

Constitutions in 40 states specify procedures in the event of an enemy attack, disasters caused by enemy attack, or similar situation: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, **Kansas**, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Provisions related to continuity of government in the case of enemy attack were added to the Oregon Constitution in 1960, but voters repealed those provisions in 1976.

- **Reference to “infectious disease,” “epidemic,” or similar phrase**

Constitutions in 19 states specifically reference disease or public health in their continuity of government provisions: Alabama, Arkansas, Colorado, Delaware, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Utah, West Virginia, and Wisconsin.

Succession of Public Officials

The constitutions of 30 states (Alabama, Arizona, California, Connecticut, Delaware, Florida, Idaho, **Kansas**, Louisiana, Maine, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and West Virginia) contain provisions regarding the succession of public officials.

These provisions in most states simply require or authorize the legislature to provide for succession to fill “public offices,” but a few states’ constitutions specify the offices: Alabama (legislators), California (governor and legislators), and Minnesota (governor).

Moving the Seat of Government, Location of Legislative Sessions, or Both

Constitutions of 32 states specifically provide for moving the seat of government in the certain situations:

- Disease — Alabama, Arkansas, Delaware, Indiana, Kentucky, Maine, Mississippi, Montana, Pennsylvania, South Carolina, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.
- Enemy attack — Alabama, Arkansas, California, Delaware, Florida, Indiana, Kentucky, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada,

Pennsylvania, South Carolina, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

- Special emergency or danger to legislators or others — Colorado, Connecticut, Delaware (conflagration only), Florida, Hawaii, Maryland, Massachusetts, Michigan, Montana, New Hampshire, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Utah, Washington, West Virginia, and Wyoming.

Gubernatorial Authority to Convene or Adjourn Legislatures

The constitutions of 23 states grant their respective governors the authority to convene or adjourn the legislature under certain circumstances: Alabama, Arkansas, Colorado, Connecticut, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

Legislative Powers

- **Legislature Can Convene Itself in Emergency**
 - The constitutions of three states, New Mexico, Oregon, and Utah, provide procedures by which the legislature can convene itself in an emergency situation.
 - California and Nebraska have constitutional provisions that allow those legislatures to adopt provisions related to the convening of the state legislature in case of an emergency, but their constitutions do not require the legislature to be convened under those circumstances.
- **Legislature Must Convene in Emergency**
 - Three states (Missouri, New Mexico, and Oregon) have constitutional provisions requiring the legislature meet in the event of an emergency.
- **Legislature Required or Allowed to Generally Provide Continuity of Government**
 - Legislatures in 28 states are required by their state constitutions to generally provide for continuity of government in emergency situations: Delaware, Georgia, Idaho, **Kansas**, Louisiana, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, and Wisconsin.
- **Legislature Can Take Measures “Necessary and Proper”**
 - Constitutions of 23 states grant general authority to the legislature to “take measures necessary and proper to ensure the continuity of government” in emergency situations: Arizona, Delaware, Florida, Idaho, **Kansas**, Maine, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York,

North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Utah, Washington, West Virginia, and Wisconsin.

- **Changes to Legislative Quorum**

- Constitutional provisions in seven states authorize the legislature to alter quorum requirements in certain situations: Nebraska, Nevada, North Dakota, Oregon, Texas, Virginia, and Washington.

- **Changes to Appropriations Limits**

- Four states (California, Oregon, Rhode Island, and Utah) allow changes to mandatory appropriations or debt limits in emergency situations.

Other Provisions

- **Nebraska.** The Nebraska Constitution allows the legislature to provide for “determination, selection, reproduction, preservation, and dispersal of public records necessary” to continuity of government in emergency situations.
- **Oregon.** Oregon has some of the most extensive and specific constitutional continuity of government provisions of any state. Specifically, the Oregon Constitution allows the legislature to establish a joint committee of members of both legislative chambers to exercise legislative power during the legislative interim to deal with emergencies or in the event of “new activity” that prevents the usual budget process from proceeding. Oregon also specifically defines “catastrophic disaster” in the state constitution as a natural or human-caused event that results in extraordinary levels of death, injury, property damage, or disruption of daily life in the state and severely affects the population, infrastructure, environment, economy, or government functioning of the state. Additionally, Oregon has constitutional provisions allowing the legislature to do the following in the event of an emergency declaration:
 - Reappropriate funds allocated based on constitutional provisions;
 - Lend the credit of the state or create debts or liabilities to provide an adequate response to the disaster; and
 - Allow legislators who cannot physically be present at a legislative session to participate through electronic or other means that allow the legislator to hear or read the proceedings as they occur and allow other legislators to hear or read the votes or comments of a legislator as they are made.
- **Texas.** The Texas Constitution allows for the suspension of a variety of legislative procedural rules including, in addition to quorum requirements, legislative business rules, bill reading requirements, requirements a bill must be referred to and reported from a committee before consideration, and the effective date of legislation.

APPENDIX A

Full Text of State Constitutional Continuity of Government Provisions

<p><i>Alabama</i></p>	<p><i>Ala. Const. Art. 4, Sec. 48</i></p>	<p style="text-align: center;">Time and place of meeting of meetings of legislature; maximum length of sessions.</p> <p>The legislature shall meet quadrennially at the capitol in the senate chamber, and in the hall of the house of representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under the Constitution, nor longer than fifty days at any subsequent session. If at any time it should from any cause become impossible or dangerous for the legislature to meet or remain at the capitol or for the senate to meet or remain in the senate chamber, or for the representatives to meet or remain in the hall of the house of representatives, the governor may convene the legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.</p>
	<p><i>Ala. Const. Art. 5, Sec. 122</i></p>	<p style="text-align: center;">Governor authorized to convene legislature on extraordinary occasions; proclamation of governor to state matters on which action necessary.</p> <p>The governor may, by proclamation, on extraordinary occasions, convene the legislature at the seat of government, or at a different place if, since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.</p>
	<p><i>Ala. Const. Amend. 159</i></p>	<p style="text-align: center;">Continuity of legislature in event of enemy attack.</p> <p>The legislature may provide for the continuity of the legislature of the state of Alabama and the representation therein of each of the political subdivisions of the state in the event of an attack by an enemy of the United States, by providing for the selection of emergency interim legislators who shall be designated for temporary succession to the powers and duties but not the office of a legislator in case of such emergency. Such emergency interim legislator may serve only when the legislator in whose stead he is authorized to serve has died or is unable temporarily for physical, mental or legal reasons to exercise the powers and discharge the duties of his office, and until such time as the elected legislator is able to resume the duties of his office, or in case of a vacancy in such office a successor</p>

		has been elected in accordance with section 46 of this Constitution.
<i>Arizona</i>	<i>Ariz. Const. Art. 4, Part 2, Sec. 25.</i>	<p style="text-align: center;">Continuity of governmental operations in emergency.</p> <p>The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to:</p> <ol style="list-style-type: none"> 1. Provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices. 2. Adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations. <p>In the exercise of the powers hereby 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.</p>
<i>Arkansas</i>	<i>Ark. Const. Art. 6, Sec. 19</i>	<p style="text-align: center;">Extraordinary sessions of General Assembly Calling Purposes.</p> <p>The Governor may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which they are convened; and no other business than that set forth therein shall be transacted until the same shall have been disposed of; after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.</p>
	<i>Ark. Const. Art. 6, Sec. 20</i>	<p style="text-align: center;">Power to adjourn General Assembly.</p> <p>In cases of disagreement between the two houses of the General Assembly, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting; and on account of danger from an enemy or disease, to such other place of safety as he may think proper.</p>
<i>California</i>	<i>Cal. Const. Art. 4, Sec. 21.</i>	<p>To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:</p> <p>(a) Filling the offices of members of the Legislature should at least one-fifth of the membership of either house be killed, missing, or</p>

		<p>disabled, until they are able to perform their duties or successors are elected.</p> <p>(b) Filling the office of Governor should the Governor be killed, missing, or disabled, until the Governor or the successor designated in this Constitution is able to perform the duties of the office of Governor or a successor is elected.</p> <p>(c) Convening the Legislature.</p> <p>(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.</p> <p>(e) Selecting a temporary seat of state or county government.</p>
	<p><i>Cal. Const. Art. 13B, Sec. 3.</i></p>	<p>The appropriations limit for any fiscal year pursuant to Sec. 1 shall be adjusted as follows:</p> <p>(c) (1) In the event an emergency is declared by the legislative body of an entity of government, the appropriations limit of the affected entity of government may be exceeded provided that the appropriations limits in the following three years are reduced accordingly to prevent an aggregate increase in appropriations resulting from the emergency.</p> <p>(2) In the event an emergency is declared by the Governor, appropriations approved by a two-thirds vote of the legislative body of an affected entity of government to an emergency account for expenditures relating to that emergency shall not constitute appropriations subject to limitation. As used in this paragraph, “emergency” means the existence, as declared by the Governor, of conditions of disaster or of extreme peril to the safety of persons and property within the State, or parts thereof, caused by such conditions as attack or probable or imminent attack by an enemy of the United States, fire, flood, drought, storm, civil disorder, earthquake, or volcanic eruption.</p>
<p><i>Colorado</i></p>	<p><i>Colo. Const. Art. 8, Sec. 3</i></p>	<p style="text-align: center;">Seat of Government How Changed Definitions</p> <p>(1) When the seat of government shall have been located in the city and county of Denver as provided in section 2 of this article, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the general assembly.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, if the governor determines that a disaster emergency exists that substantially affects the ability of the state government to operate in the city and county of Denver, the governor may issue an executive</p>

		<p>order declaring a disaster emergency. After declaring the disaster emergency and after consulting with the chief justice of the supreme court, the president of the senate, and the speaker of the house of representatives, the governor may designate a temporary meeting location for the general assembly.</p> <p>(3) After the declaration of a disaster emergency by the governor, the general assembly shall convene at the temporary meeting location, whether during regular session or in a special session convened by the governor or by written request by two-thirds of the members of each house. The general assembly, acting by bill, may then designate a temporary location for the seat of government. The bill shall contain a date on which the temporary location of the seat of government shall expire.</p> <p>(4) As used in this section:</p> <p>(a) “Disaster emergency” means the occurrence or imminent threat of widespread or severe damage, injury, illness, or loss of life or property resulting from an epidemic or a natural, man-made, or technological cause.</p> <p>(b) “Seat of government” means the location of the legislative, executive, and judicial branches of the state of Colorado.</p>
<i>Connecticut</i>	<i>Conn. Const. Art. 3, Sec. 2.</i>	<p>General assembly, when and where held. Adjournment. Reconvened session to consider vetoes.</p> <p>There shall be a regular session of the general assembly to commence on the Wednesday following the first Monday of the January next succeeding the election of its members, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. ...</p>
	<i>Conn. Const. Art. 11, Sec. 3</i>	<p>Emergency provision for temporary succession to powers and duties of public offices.</p> <p>In order to ensure continuity in operation of state and local governments in a period of emergency resulting from disaster caused by enemy attack, the general assembly shall provide by law for the prompt and temporary succession to the powers and duties of all public offices, the incumbents of which may become unavailable for carrying on their powers and duties.</p>

<i>Delaware</i>	<i>Del. Const. Art. 2, Sec. 5.</i>	<p style="text-align: center;">Place of meeting.</p> <p>The General Assembly shall meet and sit in Dover, the capital of the State; provided, however, that in case of insurrection, conflagration or epidemic disease the General Assembly may temporarily meet and sit elsewhere.</p>
	<i>Del. Const. Art. 17, Sec. 1.</i>	<p style="text-align: center;">Continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack.</p> <p>The General Assembly, in order to ensure continuity of State and local governmental operations in periods of emergency resulting from enemy attack, terrorism, disease, accident, or other natural or man-made disaster, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices whose immediate succession is not otherwise provided for by this Constitution, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations. In the exercise of the powers conferred by this section, the General Assembly shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the General Assembly to do so would be impracticable or would cause undue delay.</p>
<i>Florida</i>	<i>Fla. Const. Art. 2, Sec. 2.</i>	<p style="text-align: center;">Seat of government.</p> <p>The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, lieutenant governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period of the emergency transfer the seat of government to another place.</p>
	<i>Fla. Const. Art. 2, Sec. 6.</i>	<p style="text-align: center;">Enemy attack.</p> <p>In periods of emergency resulting from enemy attack the legislature shall have power to provide for prompt and temporary succession to the powers and duties of all public offices the incumbents of which may become unavailable to execute the functions of their offices, and to adopt such other measures as may be necessary and appropriate to ensure the continuity of governmental operations during the emergency. In exercising these powers, the legislature may depart from other requirements of this constitution, but only to the extent necessary to meet the emergency.</p>

Georgia	<i>Ga. Const. Art. 3, Sec. 6, Pgh 2.</i>	<p style="text-align: center;">Specific powers.</p> <p>(a) Without limitation of the powers granted under Paragraph I, the General Assembly shall have the power to provide by law for: ... (4) The continuity of state and local governments in periods of emergency resulting from disasters caused by enemy attack including but not limited to the suspension of all constitutional legislative rules during such emergency. ...</p>
Hawaii	<i>Hawaii Const. Art. 3, Sec. 10.</i>	<p style="text-align: center;">Sessions.</p> <p>... All sessions shall be held in the capital of the State. In case the capital shall be unsafe, the governor may direct that any session be held at some other place.</p>
Idaho	<i>Idaho Const. Art. 3, Sec. 27.</i>	<p style="text-align: center;">Continuity of state and local governmental operations.</p> <p>The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack or in periods of emergency resulting from the imminent threat of such disasters, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for so ensuring the continuity of governmental operations. In the exercise of the powers hereby 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.</p>
Indiana	<i>Ind. Const. Art. 5, Sec. 20.</i>	<p>Should the seat of government become dangerous from disease or a common enemy, the Governor may convene the General Assembly at any other place.</p>
Kansas	<i>Kan. Const. Art. 15, Sec. 13.</i>	<p style="text-align: center;">Continuity of state and local governmental operations.</p> <p>Notwithstanding any general or special provision of this constitution, the legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of</p>

		such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations including, but not limited to, the financing thereof. In the exercise of the powers hereby 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.
Kentucky	<i>Kentucky Const. Sec. 36.</i>	<p style="text-align: center;">Time and place of meetings of General Assembly.</p> <p>... (3) All sessions shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere.</p>
	<i>Kentucky Const. Sec. 80.</i>	<p style="text-align: center;">Governor may call extraordinary session of General Assembly, adjourn General Assembly.</p> <p>He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly, it shall be by proclamation, stating the subjects to be considered, and no other shall be considered.</p>
Louisiana	<i>La. Const. Art. 3, Sec. 2</i>	... (C) Emergency Session. The governor may convene the legislature in extraordinary session without prior notice or proclamation in the event of public emergency caused by epidemic, enemy attack, or public catastrophe.
	<i>La. Const. Art. 12, Sec. 11.</i>	<p style="text-align: center;">Continuity of government.</p> <p>The legislature shall provide for orderly and temporary continuity of state government, in periods of emergency, until normal processes of government can be reestablished in accordance with the constitution and laws of the state; and, except as otherwise provided by this constitution, for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to perform their functions.</p>
Maine	<i>Me. Const. Art. 5, Pt. 1, Sec. 13</i>	<p style="text-align: center;">Convene the legislature on extraordinary occasions, and adjourn it in case of disagreement; may change the place of meeting.</p> <p>The Governor may, on extraordinary occasions, convene the</p>

		Legislature; and in case of disagreement between the 2 Houses with respect to the time of adjournment, adjourn them to such time, as the Governor shall think proper, not beyond the day of the next regular session; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.
	<i>Me. Const. Art. 9, Sec. 17.</i>	<p style="text-align: center;">Continuity of government in case of enemy attack.</p> <p>Notwithstanding any general or special provision of this Constitution, the Legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations including but not limited to the financing thereof. In the exercise of the powers hereby 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.</p>
<i>Maryland</i>	<i>Md. Const. Art. 2, Sec. 16.</i>	The Governor shall convene the Legislature, or the Senate alone, on extraordinary occasions; and whenever from the presence of an enemy, or from any other cause, the Seat of Government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.
<i>Massachusetts</i>	<i>Mass. Const. Ch. 2, Sec. 1, Art. 5</i>	The governor, with advice of council, shall have full power and authority, during the session of the general court to adjourn or prorogue the same to any time the two houses shall desire; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same: and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.
<i>Michigan</i>	<i>Mich. Const. Art. 4, Sec. 39.</i>	<p style="text-align: center;">Continuity of government in emergencies.</p> <p>In order to ensure continuity of state and local governmental</p>

		<p>operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.</p>
	<p><i>Mich. Const. Art. 5, Sec. 16.</i></p>	<p>Legislature other than at seat of government.</p> <p>The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.</p>
<p><i>Minnesota</i></p>	<p><i>Minn. Const. Art. 5, Sec. 5.</i></p>	<p>Succession to Offices of Governor and Lieutenant Governor.</p> <p>In case a vacancy occurs from any cause whatever in the office of governor, the lieutenant governor shall be governor during such vacancy. The compensation of the lieutenant governor shall be prescribed by law. The last elected presiding officer of the senate shall become lieutenant governor in case a vacancy occurs in that office. In case the governor is unable to discharge the powers and duties of his office, the same devolves on the lieutenant governor. The legislature may provide by law for the case of the removal, death, resignation, or inability both of the governor and lieutenant governor to discharge the duties of governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to, succession to the powers and duties of public office and change of the seat of government.</p>
<p><i>Mississippi</i></p>	<p><i>Miss. Const. Art. 5, Sec. 121.</i></p>	<p>... The Governor may convene the Legislature at the seat of government, or at a different place if that shall become dangerous from an enemy or from disease; and in case of a disagreement between the two Houses with respect to time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.</p>
<p><i>Missouri</i></p>	<p><i>Mo. Const. Art. 3, Sec. 46a.</i></p>	<p>Emergency duties and powers of assembly on enemy attack.</p> <p>The General Assembly, in order to ensure continuity of state and local governmental operations in periods of emergency only resulting from disasters occurring in this state caused by enemy attack on the United States, shall have the power to such extent as</p>

		<p>the General Assembly deems advisable. In the event there occurs in this state a disaster caused by enemy attack on the United States, the General Assembly shall immediately convene in the City of Jefferson or in such place as designated by joint proclamation of the highest presiding officers of each house, and shall have power</p> <p>(1) To provide by legislative enactment for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and</p> <p>(2) To adopt by legislative enactment such other legislation as may be necessary and proper for ensuring the continuity of governmental operations. Notwithstanding the power conferred by this section of the constitution, elections shall always be called as soon as possible to fill any elective vacancies in any office temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.</p>
<i>Montana</i>	<i>Mont. Const. Art. 3, Sec. 2.</i>	<p style="text-align: center;">Continuity of government.</p> <p>The seat of government shall be in Helena, except during periods of emergency resulting from disasters or enemy attack. The legislature may enact laws to ensure the continuity of government during a period of emergency without regard for other provisions of the constitution. They shall be effective only during the period of emergency that affects a particular office or governmental operation.</p>
<i>Nebraska</i>	<i>Neb. Const. Art. 3, Sec. 29.</i>	<p>Legislative authority in emergencies due to enemy attack upon United States.</p> <p>(1). In order to ensure 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:</p> <p>(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;</p> <p>(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</p>

		<p>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;</p> <p>(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;</p> <p>(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</p> <p>(e) Such other measures and procedures as may be necessary and proper for ensuring the continuity of governmental operations in the event of enemy attack or imminent threat thereof.</p> <p>(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.</p>
<i>Nevada</i>	<i>Nev. Const. Art. 4, Sec. 37.</i>	<p>Continuity of government in case of enemy attack; succession to public offices; legislative quorum requirements; relocation of seat of government. The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for immediate and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations, including changes in quorum requirements in the legislature and the relocation of the seat of government. In the exercise of the powers hereby conferred, the legislature shall 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.</p>
<i>New Hampshire</i>	<i>N.H. Const. Pt. 2, Art. 5-a.</i>	<p style="text-align: center;">Continuity of government in case of enemy attack.</p> <p>Notwithstanding any general or special provision of this constitution, the general court, in order to ensure continuity of state and local government operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and</p>

		<p>whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations including but not limited to the financing thereof. In the exercise of the powers hereby conferred the general court shall in all respects conform to the requirements of this constitution except to the extent that in the judgment of the general court so to do would be impracticable or would admit of undue delay.</p>
	<p><i>N.H. Const. Pt. 2, Art. 43</i></p>	<p>In cases of disagreement governor to adjourn or prorogue legislature; if causes exist, may convene them elsewhere.</p> <p>In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as he may determine the public good may require, and he shall dissolve the same on the first Wednesday of December biennially. And, in cases whereby dangers may arise to the health or lives of the members from their attendance at the general court at any place, the governor may direct the session to be holden at some other the most convenient place within the state.</p>
<p><i>New Jersey</i></p>	<p><i>N.J. Const. Art. 4, Sec. 6, Pgh 4.</i></p>	<p>The Legislature, in order to ensure continuity of State, county and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate and continuing duty by legislation (1) to provide, prior to the occurrence of the emergency, for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations. In the exercise of the powers hereby 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 to do so would be impracticable or would admit of undue delay.</p>
<p><i>New Mexico</i></p>	<p><i>N.M. Const. Art. 4, Sec. 2</i></p>	<p>In addition to the powers herein enumerated, the legislature shall have all powers necessary to the legislature of a free state, including the power to enact reasonable and appropriate laws to guarantee the continuity and effective operation of state and local government by providing emergency procedure for use only during periods of disaster emergency. A disaster emergency is defined as a period when damage or injury to persons or property in this state, caused by enemy attack, is of such magnitude that a state of martial law is</p>

		<p>declared to exist in the state, and a disaster emergency is declared by the chief executive officer of the United States and the chief executive officer of this state, and the legislature has not declared by joint resolution that the disaster emergency is ended. Upon the declaration of a disaster emergency the chief executive of the state shall within seven days call a special session of the legislature which shall remain in continuous session during the disaster emergency, and may recess from time to time for [not] more than three days.</p>
	<p><i>N.M. Const. Art. 4, Sec. 6</i></p>	<p style="text-align: center;">Special session; extraordinary session.</p> <p>Special sessions of the legislature may be called by the governor, but no business shall be transacted except such as relates to the objects specified in this proclamation. Provided, however, that when three-fifths of the members elected to the house of representatives and three-fifths of the members elected to the senate shall have certified to the governor of the state of New Mexico that in their opinion an emergency exists in the affairs of the state of New Mexico, it shall thereupon be the duty of said governor and mandatory upon him, within five days from the receipt of such certificate or certificates, to convene said legislature in extraordinary session for all purposes; and in the event said governor shall, within said time, Sundays excluded, fail or refuse to convene said legislature as aforesaid, then and in that event said legislature may convene itself in extraordinary session, as if convened in regular session, for all purposes, provided that such extraordinary self-convened session shall be limited to a period of thirty days, unless at the expiration of said period, there shall be pending an impeachment trial of some officer of the state government, in which event the legislature shall be authorized to remain in session until such trial shall have been completed.</p>
<p><i>New York</i></p>	<p><i>N.Y. Const. Art. 3, Sec. 25.</i></p>	<p style="text-align: center;">Emergency governmental operations.</p> <p>Notwithstanding any other provision of this constitution, the legislature, in order to ensure continuity of state and local governmental operations in periods of emergency caused by enemy attack or by disasters (natural or otherwise), shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations.</p> <p style="text-align: center;">Nothing in this article shall be construed to limit in any way the power of the state to deal with emergencies arising from any cause.</p>

<i>North Dakota</i>	<i>N.D. Const. Art. 11, Sec. 7.</i>	The legislative assembly, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations including, but not limited to, Page No. 1 waiver of constitutional restrictions upon the place of transaction of governmental business, upon the calling of sessions of the legislative assembly, length of sessions, quorum and voting requirements, subjects of legislation and appropriation bill requirements, upon eligibility of legislators to hold other offices, residence requirements for legislators, and upon expenditures, loans or donations of public moneys. In the exercise of the powers hereby conferred the legislative assembly shall in all respects conform to the requirements of this constitution except to the extent that in the judgment of the legislative assembly so to do would be impracticable or would admit of undue delay.
<i>Ohio</i>	<i>Ohio Const. Art. 2, Sec. 42.</i>	Continuity of government operations in emergencies caused by enemy attack. The General Assembly shall have the power and the immediate duty to pass laws to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices and to pass such other laws as may be necessary and proper for ensuring the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack.
<i>Oklahoma</i>	<i>Oklahoma Const. Art. 5, Sec. 63.</i>	Continuity of government operations in periods of emergency. The Legislature, in order to ensure continuity of State and local governmental operations in periods of emergency resulting from disasters caused by enemy attack or in periods of emergency resulting from the imminent threat of such disasters, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and (2) to adopt such other measures as may be necessary and proper for so ensuring the continuity of governmental operations. In the exercise of the powers hereby conferred, the Legislature shall in all respects conform to the requirements of this Constitution.

	<p><i>Oklahoma Const. Art. 6, Sec. 14.</i></p>	<p style="text-align: center;">Adjournment of legislature Changing place of meeting.</p> <p>In case of a disagreement between the two houses of the Legislature, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him, by the presiding officer of the house first moving the adjournment, adjourn them to such time as he shall deem proper, not beyond the day of the next stated meeting of the Legislature. He may convoke the Legislature at or adjourn it to another place, when, in his opinion, the public safety or welfare, or the safety or health of the members require it: Provided, however, That such change or adjournment shall be concurred in by a two-thirds vote of all the members elected to each branch of the Legislature.</p>
<p>Oregon</p>	<p><i>Or. Const. Art. 3, Sec. 3</i></p>	<p style="text-align: center;">Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits.</p> <p>(1) The Legislative Assembly is authorized to establish by law a joint committee composed of members of both houses of the Legislative Assembly, the membership to be as fixed by law, which committee may exercise, during the interim between sessions of the Legislative Assembly, such of the following powers as may be conferred upon it by law:</p> <p>(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the committee for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.</p> <p>(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law.</p> <p>(c) In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and approve, a budget of the money appropriated for such new activity.</p> <p>(d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between expenditure classifications within the budget of an agency.</p> <p>(2) The Legislative Assembly shall prescribe by law what shall constitute an emergency for the purposes of this section.</p> <p>(3) As used in this section, “state agency” means any elected or appointed officer, board, commission, department, institution, branch or other agency of the state government.</p>

		(4) The term of members of the joint committee established pursuant to this section shall run from the adjournment of one odd-numbered year regular session to the organization of the next odd-numbered year regular session. No member of a committee shall cease to be such member solely by reason of the expiration of his term of office as a member of the Legislative Assembly.
	<i>Or. Const. Art. 4, Sec. 10a</i>	<p style="text-align: center;">Emergency sessions of the Legislative Assembly.</p> <p>In the event of an emergency the Legislative Assembly shall be convened by the presiding officers of both Houses at the Capitol of the State at times other than required by section 10 of this Article upon the written request of the majority of the members of each House to commence within five days after receipt of the minimum requisite number of requests.</p>
	<i>Or. Const. Art. 10, Sec. 6.</i>	<p style="text-align: center;">Continuity of government in event of enemy attack.</p> <p style="text-align: center;">Repealed in 1976.</p>
	<i>Or. Const. Art. 10-A.</i>	<p style="text-align: center;">Catastrophic Disasters.</p> <p style="text-align: center;">Section 1. Definitions; declaration of catastrophic disaster; convening of Legislative Assembly.</p> <p>(1) As used in this Article, “catastrophic disaster” means a natural or human-caused event that:</p> <p style="margin-left: 40px;">(a) Results in extraordinary levels of death, injury, property damage or disruption of daily life in this state; and</p> <p style="margin-left: 40px;">(b) Severely affects the population, infrastructure, environment, economy or government functioning of this state.</p> <p>(2) As used in this Article, “catastrophic disaster” includes, but is not limited to, any of the following events if the event meets the criteria listed in subsection (1) of this section:</p> <p style="margin-left: 40px;">(a) Act of terrorism.</p> <p style="margin-left: 40px;">(b) Earthquake.</p> <p style="margin-left: 40px;">(c) Flood.</p> <p style="margin-left: 20px;">(d) Public health emergency.</p> <p style="margin-left: 40px;">(e) Tsunami.</p> <p style="margin-left: 20px;">(f) Volcanic eruption.</p> <p style="margin-left: 40px;">(g) War.</p>

	<p>(3) The Governor may invoke the provisions of this Article if the Governor finds and declares that a catastrophic disaster has occurred. A finding required by this subsection shall specify the nature of the catastrophic disaster.</p> <p>(4) At the time the Governor invokes the provisions of this Article under subsection (3) of this section, the Governor shall issue a proclamation convening the Legislative Assembly under section 12, Article V of this Constitution, unless:</p> <p>(a) The Legislative Assembly is in session at the time the catastrophic disaster is declared; or</p> <p>(b) The Legislative Assembly is scheduled to convene in regular session within 30 days after the date the catastrophic disaster is declared.</p> <p>(5) If the Governor declares that a catastrophic disaster has occurred, the Governor shall manage the immediate response to the disaster. The actions of the Legislative Assembly under sections 3 and 4 of this Article are limited to actions necessary to implement the Governor’s immediate response to the disaster and to actions necessary to aid recovery from the disaster.</p> <p>Section 2. Additional powers of Governor; use of General Fund moneys and lottery funds.</p> <p>(1) If the Governor declares that a catastrophic disaster has occurred, the Governor may:</p> <p>(a) Use moneys appropriated from the General Fund to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the appropriation at the time the appropriation was made.</p> <p>(b) Use lottery funds allocated to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the allocation at the time the allocation was made. The Governor may not reallocate lottery funds under this paragraph for purposes not authorized by section 4, Article XV of this Constitution.</p> <p>(2) The authority granted to the Governor by this section terminates upon the taking effect of a law enacted after the declaration of a catastrophic disaster that specifies purposes for which appropriated General Fund moneys or allocated lottery funds may be used, or upon the date on which the provisions of sections 1 to 5 of this Article cease to be operative as provided in section 6 of this Article, whichever is sooner.</p> <p>Section 3. Procedural requirements for Legislative Assembly.</p> <p>If the Governor declares that a catastrophic disaster has occurred:</p>
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		<p>(1) Notwithstanding sections 10 and 10a, Article IV of this Constitution, the Legislative Assembly may convene in a place other than the Capitol of the State if the Governor or the Legislative Assembly determines that the Capitol is inaccessible.</p> <p>(2) Notwithstanding section 12, Article IV of this Constitution, during any period of time when members of the Legislative Assembly are unable to compel the attendance of two-thirds of the members of each house because the catastrophic disaster has made it impossible to locate members or impossible for them to attend, two-thirds of the members of each house who are able to attend shall constitute a quorum to do business.</p> <p>(3) In a session of the Legislative Assembly that is called because of the catastrophic disaster or that was imminent or ongoing at the time the catastrophic disaster was declared, the number of members of each house that constitutes a quorum under subsection (2) of this section may suspend the rule regarding reading of bills under the same circumstances and in the same manner that two-thirds of the members may suspend the rule under section 19, Article IV of this Constitution.</p> <p>(4) Notwithstanding section 25, Article IV of this Constitution, during any period of time when members of the Legislative Assembly are unable to compel the attendance of two-thirds of the members of each house because the catastrophic disaster has made it impossible to locate members or impossible for them to attend, three-fifths of the members of each house who are able to attend a session described in subsection (3) of this section shall be necessary to pass every bill or joint resolution.</p> <p>(5) Notwithstanding section 1a, Article IX of this Constitution, the Legislative Assembly may declare an emergency in any bill regulating taxation or exemption, including but not limited to any bill that decreases or suspends taxes or postpones the due date of taxes, if the Legislative Assembly determines that the enactment of the bill is necessary to provide an adequate response to the catastrophic disaster.</p> <p>Section 4. Additional powers of Legislative Assembly.</p> <p>(1) If the Governor declares that a catastrophic disaster has occurred:</p> <p>(a) The Legislative Assembly may enact laws authorizing the use of revenue described in section 3a, Article IX of this Constitution, for purposes other than those described in that section.</p> <p>(b) The Legislative Assembly may, by a vote of the number of members of each house that constitutes a quorum under subsection (2) of section 3 of this Article, appropriate moneys that would otherwise be returned to taxpayers under section 14, Article IX of this Constitution, to state agencies for the purpose of responding to</p>
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		<p style="text-align: center;">the catastrophic disaster.</p> <p>(c) Notwithstanding section 7, Article XI of this Constitution, the Legislative Assembly may lend the credit of the state or create debts or liabilities in an amount the Legislative Assembly considers necessary to provide an adequate response to the catastrophic disaster.</p> <p>(d) The provisions of section 15, Article XI of this Constitution, do not apply to any law that is approved by three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.</p> <p>(e) The Legislative Assembly may take action described in subsection (6) of section 15, Article XI of this Constitution, upon approval by three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.</p> <p>(f) Notwithstanding section 4, Article XV of this Constitution, the Legislative Assembly may allocate proceeds from the State Lottery for any purpose and in any ratio the Legislative Assembly determines necessary to provide an adequate response to the catastrophic disaster.</p> <p>(2) Nothing in this section overrides or otherwise affects the provisions of section 15b, Article V of this Constitution.</p> <p style="text-align: center;">Section 5. Participation in session of Legislative Assembly by electronic or other means.</p> <p>For purposes of sections 3 and 4 of this Article, a member of the Legislative Assembly who cannot be physically present at a session convened under section 1 of this Article shall be considered in attendance if the member is able to participate in the session through electronic or other means that enable the member to hear or read the proceedings as the proceedings are occurring and enable others to hear or read the member's votes or other contributions as the votes or other contributions are occurring.</p> <p style="text-align: center;">Section 6. Termination of operation of this Article; extension by Legislative Assembly; transition provisions; limitation on power of Governor to invoke this Article.</p> <p>(1) Except as provided in subsection (2) of this section, the provisions of sections 1 to 5 of this Article, once invoked, shall cease to be operative not later than 30 days following the date the Governor invoked the provisions of sections 1 to 5 of this Article, or on an earlier date recommended by the Governor and determined by the Legislative Assembly. The Governor may not recommend a date under this subsection unless the Governor finds and declares that the immediate response to the catastrophic disaster has ended.</p>
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		<p>(2) Prior to expiration of the 30-day limit established in subsection (1) of this section, the Legislative Assembly may extend the operation of sections 1 to 5 of this Article beyond the 30-day limit upon the approval of three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.</p> <p>(3) The determination by the Legislative Assembly required by subsection (1) of this section or an extension described in subsection (2) of this section shall take the form of a bill. A bill that extends the operation of sections 1 to 5 of this Article shall establish a date upon which the provisions of sections 1 to 5 of this Article shall cease to be operative. A bill described in this subsection shall be presented to the Governor for action in accordance with section 15b, Article V of this Constitution.</p> <p>(4) A bill described in subsection (3) of this section may include any provisions the Legislative Assembly considers necessary to provide an orderly transition to compliance with the requirements of this Constitution that have been overridden under this Article because of the Governor’s declaration of a catastrophic disaster.</p> <p>(5) The Governor may not invoke the provisions of sections 1 to 5 of this Article more than one time with respect to the same catastrophic disaster. A determination under subsection (1) of this section or an extension described in subsection (2) of this section that establishes a date upon which the provisions of sections 1 to 5 of this Article shall cease to be operative does not prevent invoking the provisions of sections 1 to 5 of this Article in response to a new declaration by the Governor that a different catastrophic disaster has occurred.</p>
<i>Pennsylvania</i>	<i>Pa. Const. Art. 3, Sec. 25.</i>	<p style="text-align: center;">Emergency seats of government.</p> <p>The General Assembly may provide, by law, during any session, for the continuity of the executive, legislative, and judicial functions of the government of the Commonwealth, and its political subdivisions, and the establishment of emergency seats thereof and any such laws heretofore enacted are validated. Such legislation shall become effective in the event of an attack by an enemy of the United States.</p>
<i>Rhode Island</i>	<i>R.I. Const. Art. 6, Sec. 21.</i>	<p style="text-align: center;">Emergency powers in case of enemy attack.</p> <p>The general assembly, in order to ensure continuity of state and local governmental operations, including the judicial functions, in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for</p>

		<p>carrying on the powers and duties of such offices, to enact legislation permitting the convening of the general assembly at any place within or without the State of Rhode Island, and to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations during the period of said emergency. Any law enacted under this section shall apply to all cities and towns regardless of their form of charter. During said period of emergency the general assembly shall have the power to incur state debts exceeding the limitation set forth in Sections 16 and 17 of this article. The powers granted and the laws enacted under this section shall not be effective after two years following the inception of an enemy attack.</p>
	<p><i>R.I. Const. Art. 9, Sec. 7.</i></p>	<p style="text-align: center;">Convening of special sessions of the general assembly.</p> <p>The governor may, on extraordinary occasions, convene the general assembly at any town or city in this state, at any time not provided for by law; and in case if danger from the prevalence of epidemic or contagious disease, in the place in which the general assembly is by law to meet, or to which it may have been adjourned, or for other urgent reasons, the governor may by proclamation convene said assembly at any other place within the state.</p>
<p><i>South Carolina</i></p>	<p><i>S.C. Const. Art. 3, Sec. 9.</i></p>	<p style="text-align: center;">Sessions of General Assembly.</p> <p>The annual session of the General Assembly shall convene at the State Capitol Building in the City of Columbia on the second Tuesday of January of each year. After the convening of the General Assembly, nothing in this section shall prohibit the Senate or the House of Representatives, or both, from receding for a time period not to exceed thirty consecutive calendar days at a time by a majority vote of the members of the body of the General Assembly seeking to recede for a time period not to exceed thirty consecutive calendar days, or from receding for a time period of more than thirty consecutive calendar days at a time by a two-thirds vote of the members of the body of the General Assembly seeking to recede for more than thirty consecutive calendar days at a time. Each body shall sit in session at the State Capitol Building in the City of Columbia and may provide for meetings during the legislative session as it shall consider appropriate. Furthermore, the Senate or the House of Representatives, or both, may meet on the first Tuesday following the certification of the election of its members for not more than three days following the general election in even-numbered years for the purpose of organizing. If the casualties of war or contagious disease render it unsafe to meet at the seat of government, the Governor, by proclamation, may appoint a more secure and convenient place of meeting. Members of the General Assembly shall not receive any compensation for more than forty</p>

		days of any one session.
	<i>S.C. Const. Art. 4, Sec. 20.</i>	<p style="text-align: center;">Residence of governor.</p> <p>The Governor shall reside at the Capital of the State except in case of epidemics, natural disaster, or the emergencies of war; but during the sittings of the General Assembly he shall reside where its sessions are held.</p>
	<i>S.C. Const. Art. 17, Sec. 12.</i>	<p style="text-align: center;">Continuity of governmental operations during enemy attack.</p> <p>The General Assembly, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations. In the exercise of the powers hereby conferred, the General Assembly shall in all respects conform to the requirements of this Constitution, except to the extent that in the judgment of the General Assembly so to do would be impracticable or would admit of undue delay</p>
<i>South Dakota</i>	<i>S.D. Const. Art. 3, Sec. 29.</i>	<p style="text-align: center;">Legislative powers in emergency from enemy attack.</p> <p>Notwithstanding any general or special provisions of the Constitution, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, the Legislature shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations. In the exercise of the powers hereby 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.</p>
<i>Texas</i>	<i>Texas Const. Art. 3, Sec. 62.</i>	<p style="text-align: center;">Continuity of state and local governmental operations; suspension of following enemy attacks.</p> <p>(a) The Legislature, in order to ensure continuity of state and local</p>

		<p>governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices. Provided, however, that Article I of the Constitution of Texas, known as the “Bill of Rights” shall not be in any manner affected, amended, impaired, suspended, repealed or suspended hereby.</p> <p>(b) When such a period of emergency or the immediate threat of enemy attack exists, the Legislature may suspend procedural rules imposed by this Constitution that relate to:</p> <ol style="list-style-type: none"> (1) the order of business of the Legislature; (2) the percentage of each house of the Legislature necessary to constitute a quorum; (3) the requirement that a bill must be read on three days in each house before it has the force of law; (4) the requirement that a bill must be referred to and reported from committee before its consideration; and (5) the date on which laws passed by the Legislature take effect. <p>(c) When such a period of emergency or the immediate threat of enemy attack exists, the Governor, after consulting with the Lieutenant Governor and the Speaker of the House of Representatives, may suspend the constitutional requirement that the Legislature hold its sessions in Austin, the seat of government. When this requirement has been suspended, the Governor shall determine a place other than Austin at which the Legislature will hold its sessions during such period of emergency or immediate threat of enemy attack. The Governor shall notify the Lieutenant Governor and the Speaker of the House of Representatives of the place and time at which the Legislature will meet. The Governor may take security precautions, consistent with the state of emergency, in determining the extent to which that information may be released.</p> <p>(d) To suspend the constitutional rules specified by Subsection (b) of this section, the Governor must issue a proclamation and the House of Representatives and the Senate must concur in the proclamation as provided by this section.</p> <p>(e) The Governor’s proclamation must declare that a period of emergency resulting from disasters caused by enemy attack exists, or that the immediate threat of enemy attack exists, and that suspension of constitutional rules relating to legislative procedure is necessary to assure continuity of state government. The proclamation must</p>
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		<p>specify the period, not to exceed two years, during which the constitutional rules specified by Subsection (b) of this section are suspended.</p> <p>(f) The House of Representatives and the Senate, by concurrent resolution approved by the majority of the members present, must concur in the Governor’s proclamation. A resolution of the House of Representatives and the Senate concurring in the Governor’s proclamation suspends the constitutional rules specified by Subsection (b) of this section for the period of time specified by the Governor’s proclamation.</p> <p>(g) The constitutional rules specified by Subsection (b) of this section may not be suspended for more than two years under a single proclamation. A suspension may be renewed, however, if the Governor issues another proclamation as provided by Subsection (e) of this section and the House of Representatives and the Senate, by concurrent resolution, concur in that proclamation.</p>
	<p><i>Texas</i> <i>Const. Art.</i> <i>4, Sec. 8</i></p>	<p>Convening legislature on extraordinary occasions.</p> <p>(a) The Governor may, on extraordinary occasions, convene the Legislature at the seat of Government, or at a different place, in case that should be in possession of the public enemy or in case of the prevalence of disease threat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened. ...</p>
<p><i>Utah</i></p>	<p><i>Utah</i> <i>Const. Art.</i> <i>6, Sec. 2.</i></p>	<p>Time and location of annual general sessions Location of sessions convened by the governor or legislature Sessions convened by the legislature.</p> <p>1. Annual general sessions of the Legislature shall be held at the seat of government and shall begin on the fourth Monday in January.</p> <p>2. A session convened by the Governor under Article VI, Section 6 and a session convened by the Legislature under Subsection (3) shall be held at the seat of government, unless convening at the seat of government is not feasible due to epidemic, natural or human-caused disaster, enemy attack, or other public catastrophe.</p> <p>3. (a) The President of the Senate and Speaker of the House of Representatives shall by joint proclamation convene the Legislature into session if a poll conducted by the President and Speaker of their respective houses indicates that two-thirds of all members elected to each house are in favor of convening the Legislature into session because in their opinion a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the State necessitates convening the Legislature into session.</p> <p>(b) The joint proclamation issued by the President and Speaker shall</p>

		<p>specify the business for which the Legislature is to be convened, and the Legislature may not transact any business other than that specified in the joint proclamation, except that the Legislature may provide for the expenses of the session and other matters incidental to the session.</p> <p>(c) The Legislature may not be convened into session under this Subsection (3) during the 30 calendar days immediately following the adjournment sine die of an annual general session of the Legislature.</p> <p>(d) In a session convened under this Subsection (3), the cumulative amount of appropriations that the Legislature makes may not exceed an amount equal to 1% of the total amount appropriated by the Legislature for the immediately preceding completed fiscal year.</p> <p>(e) Nothing in this Subsection (3) affects the Governor’s authority to convene the Legislature under Article VII, Section 6.</p>
	<p><i>Utah Const. Art. 6, Sec. 30.</i></p>	<p style="text-align: center;">Continuity in government.</p> <p>(1) Notwithstanding any general or special provisions of the Constitution, in order to ensure continuity of state and local government operations when such operations are seriously disrupted as a result of natural or man-made disaster or disaster caused by enemy attack, the Legislature may:</p> <p>(a) provide for prompt and temporary succession to the powers and duties of any elected or appointed public office, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and</p> <p>(b) adopt measures necessary and proper for ensuring the continuity of governmental operations including, but not limited to, the financing thereof.</p> <p>(2) Subsection (1) does not permit these temporary public officers to act or these temporary measures to be contrary to the Constitution and applicable law.</p>
	<p><i>Utah Const. Art. 6, Sec. 6.</i></p>	<p style="text-align: center;">Convening of extra sessions of legislature Advance public notice.</p> <p>(1) (a) On extraordinary occasions, the Governor may convene the Legislature by proclamation, in which shall be stated the purpose for which the Legislature is to be convened, and it may transact no legislative business except that for which it was especially convened, or such other legislative business as the Governor may call to its attention while in session, subject to Subsection (1)(b). The Legislature, however, may provide for the expenses of the session and other matters incidental thereto.</p> <p>(b) The Legislature may not transact any legislative business in a special session convened under Subsection (1)(a) for which the</p>

		<p>Governor has not provided 48 hours advance public notice, except in cases of declared emergency or with the concurrence of two-thirds of all members elected to each house.</p> <p>(2) The Governor may also by proclamation convene the Senate in extraordinary session for the transaction of executive business.</p>
<i>Virginia</i>	<i>Va. Const. Art. 4, Sec. 8.</i>	<p style="text-align: center;">Quorum.</p> <p>A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe. A smaller number, not less than two-fifths of the elected membership of each house, may meet and may, notwithstanding any other provision of this Constitution, enact legislation if the Governor by proclamation declares that a quorum of the General Assembly cannot be convened because of enemy attack upon the soil of Virginia. Such legislation shall remain effective only until thirty days after a quorum of the General Assembly can be convened.</p>
	<i>Va. Const. Art. 5, Sec. 16.</i>	<p style="text-align: center;">Succession to the office of governor.</p> <p>... In the event of an emergency or enemy attack upon the soil of Virginia and a resulting inability of the House of Delegates to convene to fill the vacancy, the Speaker of the House, the person designated to act in his stead as prescribed in the Rules of the House of Delegates, the President pro tempore of the Senate, or the majority leader of the Senate, in that designated order, shall serve as</p> <p style="text-align: center;">Acting Governor until such time as the House of Delegates convenes to elect a Governor.</p> <p>The General Assembly may provide by law for the waiver of the eligibility requirements for the Attorney General, Speaker of the House, or acting Speaker to serve as Governor or Acting Governor in the event of an emergency or enemy attack upon the soil of Virginia as evidenced by a proclamation of the Governor or alternative authority prescribed by law.</p>
<i>Washington</i>	<i>Wash. Const. Art. 2, Sec. 42.</i>	<p style="text-align: center;">Governmental continuity during emergency periods.</p> <p>The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from a catastrophic incident or enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal</p>

		<p>successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for ensuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: Provided, That if, in the judgment of the legislature at the time of the emergency, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by a catastrophic incident or enemy attack only, from the following sections of the Constitution:</p> <p style="text-align: center;">Article 14, Sections 1 and 2, Seat of Government;</p> <p style="text-align: center;">Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;</p> <p>Article 3, Section 10 (Amendment 6), Succession to Governorship: Provided, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor’s office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;</p> <p style="text-align: center;">Article 3, Section 13, Vacancies in State Offices;</p> <p style="text-align: center;">Article 11, Section 6, Vacancies in County Offices;</p> <p style="text-align: center;">Article 11, Section 2, Seat of County Government;</p> <p style="text-align: center;">Article 3, Section 24, State Records.</p>
<i>West Virginia</i>	<i>W Va. Const. Art. 1, Sec. 3.</i>	<p style="text-align: center;">Continuity of constitutional operation.</p> <p>The provisions of the constitution of the United States, and of this state, are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism.</p>
	<i>Va. Const. Art. 6, Sec. 21.</i>	<p>Provisions for assembling of Legislature other than at the seat of government.</p> <p>The governor may convene the Legislature at another place, when, in his opinion, it cannot safely assemble at the seat of government, and the Legislature may, when in session, adjourn to some other place, when in its opinion, the public safety or welfare, or the safety of the members, or their health, shall require it.</p>

	<i>W Va. Const. Art. 6, Sec. 54.</i>	<p style="text-align: center;">Continuity of government amendment.</p> <p>The Legislature of West Virginia, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such officers, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations.</p>
Wisconsin	<i>Wis. Const. Art. 4, Sec. 34.</i>	<p style="text-align: center;">Continuity of civil government.</p> <p>The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from enemy action in the form of an attack, shall (1) forthwith provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) adopt such other measures as may be necessary and proper for attaining the objectives of this section.</p>
	<i>Wis. Const. Art. 5, Sec. 4.</i>	<p style="text-align: center;">Powers and duties.</p> <p>The governor shall be commander in chief of the military and naval forces of the state. He shall have power to convene the legislature on extraordinary occasions, and in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the state. He shall communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration as he may deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.</p>
Wyoming	<i>Wyo. Const. Art. 3, Sec. 7.</i>	<p style="text-align: center;">Time and place of sessions.</p> <p>(a) The legislature shall meet at the seat of government at twelve o'clock noon, on the second Tuesday of January of the odd-numbered years for general and budget session and may meet on the second Tuesday of January of the even-numbered years for budget session, and at other times when convened by the governor or upon call of the legislature as herein provided. The governor by</p>

		<p>proclamation may also, in times of war or grave emergency by law defined, temporarily convene the legislature at a place or places other than the seat of government. The legislature may convene a special session not to last longer than twenty (20) working days as follows:</p> <p>(i) Upon written request to the presiding officer of each house of the legislature by a majority of the elected members of each house, the legislature shall convene in special session; or</p> <p>(ii) The presiding officers of each house shall also jointly call a special session for the purpose of resolving a challenge or a dispute of any kind in the determination of the presidential electors.</p>
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Source: NCSL, "[Examples of Constitutional Provisions Relating to Continuity of Government](#)," dated March 6, 2020; accessed April 24, 2020.