

E AND R AMENDMENTS TO LB 922

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3           Section 1. Section 24-301.02, Revised Statutes Cumulative  
4 Supplement, 2020, is amended to read:

5           24-301.02 The State of Nebraska shall be divided into the following  
6 twelve district court judicial districts:

7           District No. 1 shall contain the counties of Saline, Jefferson,  
8 Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, Richardson, and Otoe;

9           District No. 2 shall contain the counties of Sarpy and Cass;

10          District No. 3 shall contain the county of Lancaster;

11          District No. 4 shall contain the county of Douglas;

12          District No. 5 shall contain the counties of Merrick, Platte,  
13 Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

14          District No. 6 shall contain the counties of Dixon, Dakota, Cedar,  
15 Burt, Thurston, Dodge, and Washington;

16          District No. 7 shall contain the counties of Knox, Cuming, Antelope,  
17 Pierce, Wayne, Madison, and Stanton;

18          District No. 8 shall contain the counties of Cherry, Keya Paha,  
19 Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley,  
20 Greeley, Sherman, and Howard;

21          District No. 9 shall contain the counties of Buffalo and Hall;

22          District No. 10 shall contain the counties of Adams, Phelps,  
23 Kearney, Harlan, Franklin, Webster, Clay, and Nuckolls;

24          District No. 11 shall contain the counties of Hooker, Thomas,  
25 Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes,  
26 Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

27          District No. 12 shall contain the counties of Sioux, Dawes, Box

1 Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball,  
2 Cheyenne, Grant, and Deuel.

3 ~~Until July 1, 2021, in the fourth district there shall be sixteen~~  
4 ~~judges of the district court. Beginning July 1, 2021, in the fourth~~  
5 ~~judicial district there shall be seventeen judges of the district court.~~

6 In the fourth district there shall be eighteen judges of the  
7 district court. In the third district there shall be eight judges of the  
8 district court. In the second, fifth, ninth, eleventh, and twelfth  
9 districts there shall be four judges of the district court. In the first  
10 and sixth districts there shall be three judges of the district court. In  
11 the seventh, eighth, and tenth districts there shall be two judges of the  
12 district court.

13 Sec. 2. Section 25-1647, Revised Statutes Cumulative Supplement,  
14 2020, is amended to read:

15 25-1647 (1) In each county of the State of Nebraska, the clerk of  
16 the district court shall serve as the ~~there shall be a jury commissioner.~~

17 ~~(2) In counties having a population of not more than seventy five~~  
18 ~~thousand inhabitants, the clerk of the district court shall be jury~~  
19 ~~commissioner ex officio.~~

20 ~~(3) In counties having a population of more than seventy five~~  
21 ~~thousand and not more than two hundred thousand inhabitants, the jury~~  
22 ~~commissioner shall be a separate office in the county government or the~~  
23 ~~duties may be performed, when authorized by the judges of the district~~  
24 ~~court within such counties, by the election commissioner. The jury~~  
25 ~~commissioner shall receive an annual salary of not less than one thousand~~  
26 ~~two hundred dollars.~~

27 (2) (4) In counties having a population in excess of one ~~two~~ hundred  
28 seventy-five thousand inhabitants, the judges of the district court  
29 within such counties shall determine whether the clerk of the district  
30 court will receive additional compensation to perform the duties of jury  
31 commissioner. ~~The without additional compensation or the election~~

1 ~~commissioner will be jury commissioner ex officio. If the jury~~  
2 ~~commissioner is to receive a salary, the amount of any such additional~~  
3 ~~compensation the salary shall be fixed by the judges of the district~~  
4 court in an amount not to exceed three thousand dollars per annum.

5 (3) ~~(5)~~ In all counties the necessary expenses incurred in the  
6 performance of the duties of jury commissioner shall be paid by the  
7 county board of the county out of the general fund, upon proper claims  
8 approved by one of the district judges in the judicial district and duly  
9 filed with the county board.

10 (4) ~~(6)~~ In all counties the jury commissioner shall prepare and file  
11 the annual inventory statement with the county board of the county of all  
12 county personal property in his or her custody or possession, as provided  
13 in sections 23-346 to 23-350.

14 (5) ~~(7)~~ This section shall be so interpreted as to effectuate its  
15 general purpose, to provide, in the public interest, adequate  
16 compensation for the jury commissioner and to permit a change in such  
17 salary as soon as the change may become operative under the Constitution  
18 of Nebraska.

19 Sec. 3. Section 25-1648, Revised Statutes Cumulative Supplement,  
20 2020, is amended to read:

21 25-1648 ~~(1) A majority of the judges of the district court may by~~  
22 ~~order direct the clerk of the court to furnish such assistance to the~~  
23 ~~jury commissioner as the judges may find necessary.~~

24 (1) ~~(2)~~ The jury commissioner shall appoint a deputy jury  
25 commissioner from the regular employees of his or her office who shall  
26 serve ex officio and who shall hold office during the pleasure of the  
27 jury commissioner. The deputy jury commissioner shall be approved by the  
28 judge or judges of the district court before taking office. The deputy  
29 jury commissioner, during the absence of the jury commissioner from the  
30 county or during the sickness or disability of the jury commissioner,  
31 with the consent of such judge or judges, may perform any or all of the

1 duties of the jury commissioner.

2 (2) ~~(3)~~ If there are no regular employees of the office of jury  
3 commissioner, he or she may appoint some other county officer or employee  
4 thereof as deputy jury commissioner.

5 Sec. 4. Section 25-1678, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 25-1678 (1) A party may move to stay the proceedings, to quash the  
8 entire jury panel or jury list, or for other appropriate relief on the  
9 ground of substantial failure to comply with the Jury Selection Act in  
10 selecting the grand or petit jury. Such motion shall be made within seven  
11 days after the moving party discovered or by the exercise of diligence  
12 could have discovered the grounds for such motion, and in any event  
13 before the petit jury is sworn to try the case.

14 (2) Upon a motion filed under subsection (1) of this section  
15 containing a sworn statement of facts which, if true, would constitute a  
16 substantial failure to comply with the Jury Selection Act, the moving  
17 party is entitled to present, in support of the motion, the testimony of  
18 the jury commissioner ~~or the clerk~~, any relevant records and papers not  
19 public or otherwise available which were used by the jury commissioner ~~or~~  
20 ~~the clerk~~, and any other relevant evidence. If the court determines that  
21 in selecting either a grand jury or a petit jury there has been a  
22 substantial failure to comply with the Jury Selection Act, the court  
23 shall stay the proceedings pending the selection of the jury in  
24 conformity with the act, quash an entire jury panel or jury list, or  
25 grant other appropriate relief.

26 (3) The procedures prescribed by this section are the exclusive  
27 means by which the state, a person accused of a crime, or a party in a  
28 civil case may challenge a jury on the ground that the jury was not  
29 selected in conformity with the Jury Selection Act.

30 (4) The contents of any records or papers used by the jury  
31 commissioner ~~or the clerk~~ in connection with the selection process and

1 not made public under the Jury Selection Act shall not be disclosed,  
2 except in connection with the preparation or presentation of a motion  
3 under subsection (1) of this section, until after all persons on the jury  
4 list have been discharged. The parties in a case may inspect, reproduce,  
5 and copy the records or papers at all reasonable times during the  
6 preparation and pendency of a motion under subsection (1) of this  
7 section.

8 (5) Whenever the entire jury list is quashed, the court shall make  
9 an order directing the jury commissioner to draw a new key number in the  
10 manner provided in section 25-1653 and prepare a new master key list in  
11 the manner provided in section 25-1654. The jury commissioner shall  
12 qualify and summon jurors from the new master key list as provided in the  
13 Jury Selection Act.

14 Sec. 5. Section 28-101, Revised Statutes Cumulative Supplement,  
15 2020, is amended to read:

16 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section  
17 7 of this act shall be known and may be cited as the Nebraska Criminal  
18 Code.

19 Sec. 6. Section 28-521, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 28-521 (1) A person commits second degree criminal trespass if,  
22 knowing that he or she is not licensed or privileged to do so, he or she  
23 enters or remains in any place as to which notice against trespass is  
24 given by:

25 (a) Actual communication to the actor; or

26 (b) Posting in a manner prescribed by law or reasonably likely to  
27 come to the attention of intruders; or

28 (c) Fencing or other enclosure manifestly designed to exclude  
29 intruders except as otherwise provided in section 28-520.

30 (2) A person commits second degree criminal trespass if, knowing  
31 that he or she is not licensed or privileged to do so, he or she

1 intentionally causes an electronic device, such as an unmanned aircraft,  
2 to enter into, upon, or above the property of another, including such  
3 property owned by such person and leased or rented to another, with the  
4 intent to observe another person without his or her consent in a place of  
5 solitude or seclusion.

6 (3) For purposes of this section, unmanned aircraft means an  
7 aircraft, including an aircraft commonly known as a drone, which is  
8 operated without the possibility of direct human intervention from within  
9 or on the aircraft.

10 (4) ~~(2)~~ Second degree criminal trespass is a Class III misdemeanor,  
11 except as provided for in subsection ~~(5)~~ ~~(3)~~ of this section.

12 (5) ~~(3)~~ Second degree criminal trespass is a Class II misdemeanor if  
13 the offender defies an order to leave personally communicated to him or  
14 her by the owner of the premises or other authorized person.

15 Sec. 7. (1) A person commits the offense of criminal impersonation  
16 by stolen valor if such person:

17 (a)(i) Pretends to be an active member or veteran of the United  
18 States Navy, Army, Air Force, Marines, Coast Guard, or Space Force,  
19 including armed forces reserves and the National Guard, through the  
20 unauthorized manufacture, sale, possession, or use of military regalia or  
21 gear, including the wearing of military uniforms or the use of falsified  
22 military identification; and

23 (ii) Does an act in such fictitious capacity with the intent to:

24 (A) Gain a pecuniary benefit for such person or another person; and

25 (B) Deceive or harm another person; or

26 (b) With the intent to deceive or harm another, fraudulently  
27 represents such person to be a recipient of the Congressional Medal of  
28 Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, Silver  
29 Star, Purple Heart, Combat Infantryman Badge, Combat Action Badge, Combat  
30 Medical Badge, Combat Action Ribbon, Air Force Combat Action Medal, or  
31 another similar award or honor and obtains money, property, or anything

1 of value through such fraudulent representation.

2 (2) A violation of this section is a Class I misdemeanor.

3 (3) A person found guilty of violating this section may, in addition  
4 to the penalty under subsection (2) of this section, be ordered to make  
5 restitution pursuant to sections 29-2280 to 29-2289.

6 Sec. 8. Section 42-369, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 42-369 (1) All orders, decrees, or judgments for temporary or  
9 permanent support payments, including child, spousal, or medical support,  
10 and all orders, decrees, or judgments for alimony or modification of  
11 support payments or alimony shall direct the payment of such sums to be  
12 made commencing on the first day of each month for the use of the persons  
13 for whom the support payments or alimony have been awarded. Such payments  
14 shall be made to the clerk of the district court (a) when the order,  
15 decree, or judgment is for spousal support, alimony, or maintenance  
16 support and the order, decree, or judgment does not also provide for  
17 child support, and (b) when the payment constitutes child care or day  
18 care expenses, unless payments under subdivision (1)(a) or (1)(b) of this  
19 section are ordered to be made directly to the obligee. All other support  
20 order payments shall be made to the State Disbursement Unit. In all cases  
21 in which income withholding has been implemented pursuant to the Income  
22 Withholding for Child Support Act or sections 42-364.01 to 42-364.14,  
23 support order payments shall be made to the State Disbursement Unit. The  
24 court may order such payment to be in cash or guaranteed funds.

25 (2)(a) If the party against whom an order, decree, or judgment for  
26 child support is entered or the custodial party has health care coverage  
27 available to him or her through an employer, organization, or other  
28 health care coverage entity which may extend to cover any children  
29 affected by the order, decree, or judgment and the health care coverage  
30 is accessible to the children and is available to the responsible party  
31 at reasonable cost, the court shall require health care coverage to be

1 provided. Health care coverage is accessible if the covered children can  
2 obtain services from a plan provider with reasonable effort by the  
3 custodial party. When the administrative agency, court, or other tribunal  
4 determines that the only health care coverage option available through  
5 the noncustodial party is a plan that limits service coverage to  
6 providers within a defined geographic area, the administrative agency,  
7 court, or other tribunal shall determine whether the child lives within  
8 the plan's service area. If the child does not live within the plan's  
9 service area, the administrative agency, court, or other tribunal shall  
10 determine whether the plan has a reciprocal agreement that permits the  
11 child to receive coverage at no greater cost than if the child resided in  
12 the plan's service area. The administrative agency, court, or other  
13 tribunal shall also determine if primary care is available within thirty  
14 minutes or thirty miles of the child's residence. For the purpose of  
15 determining the accessibility of health care coverage, the administrative  
16 agency, court, or other tribunal may determine and include in an order  
17 that longer travel times are permissible if residents, in part or all of  
18 the service area, customarily travel distances farther than thirty  
19 minutes or thirty miles. If primary care services are not available  
20 within these constraints, the health care coverage is presumed  
21 inaccessible. If health care coverage is not available or is inaccessible  
22 and one or more of the parties are receiving Title IV-D services, then  
23 cash medical support shall be ordered. Cash medical support or the cost  
24 of health care coverage is considered reasonable in cost if the cost to  
25 the party responsible for providing medical support does not exceed the  
26 amount set forth in child support guidelines established by the Supreme  
27 Court by court rule pursuant to section 42-364.16 ~~three percent of his or~~  
28 ~~her gross income. In applying the three percent standard, the cost is the~~  
29 ~~cost of adding the children to existing health care coverage or the~~  
30 ~~difference between self-only and family health care coverage. Cash~~  
31 ~~medical support payments shall not be ordered if, at the time that the~~



~~1 order is issued or modified, the responsible party's income is or such  
2 expense would reduce the responsible party's net income below the basic  
3 subsistence limitation provided in Nebraska Court Rule section 4-218. If  
4 such rule does not describe a basic subsistence limitation, the  
5 responsible party's net income shall not be reduced below nine hundred  
6 three dollars net monthly income for one person or below the poverty  
7 guidelines updated annually in the Federal Register by the United States  
8 Department of Health and Human Services under the authority of 42 U.S.C.  
9 9902(2).~~

10 (b) For purposes of this section:

11 (i) Health care coverage has the same meaning as in section  
12 44-3,144; and

13 (ii) Cash medical support means an amount ordered to be paid toward  
14 the cost of health care coverage provided by a public entity or by  
15 another parent through employment or otherwise or for other medical costs  
16 not covered by insurance or other health care coverage.

17 (3) A support order, decree, or judgment may include the providing  
18 of necessary shelter, food, clothing, care, medical support as defined in  
19 section 43-512, medical attention, expenses of confinement, education  
20 expenses, funeral expenses, and any other expense the court may deem  
21 reasonable and necessary.

22 (4) Orders, decrees, and judgments for temporary or permanent  
23 support or alimony shall be filed with the clerk of the district court  
24 and have the force and effect of judgments when entered. The clerk and  
25 the State Disbursement Unit shall disburse all payments received as  
26 directed by the court and as provided in sections 42-358.02 and  
27 43-512.07. Records shall be kept of all funds received and disbursed by  
28 the clerk and the unit and shall be open to inspection by the parties and  
29 their attorneys.

30 (5) Unless otherwise specified by the court, an equal and  
31 proportionate share of any child support awarded shall be presumed to be

1 payable on behalf of each child subject to the order, decree, or judgment  
2 for purposes of an assignment under section 43-512.07.

3 Sec. 9. Section 81-8,239.02, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 81-8,239.02 The following separate permanent revolving funds are  
6 established in the state treasury for use under the Risk Management  
7 Program according to the purposes for which each fund is established:

8 (1) The State Insurance Fund is hereby created for the purpose of  
9 purchasing insurance to cover property, fidelity, and liability risks of  
10 the state and workers' compensation claims against the state and other  
11 risks to which the state or its agencies, officials, or employees are  
12 exposed and for paying related expenses, including the costs of  
13 administering the Risk Management Program. The fund may receive deposits  
14 from assessments against state agencies to provide insurance coverage as  
15 directed by the Risk Manager. The Risk Manager may retain in the fund  
16 sufficient money to pay for any deductibles, self-insured retentions, or  
17 copayments as may be required by such insurance policies and Risk  
18 Management Program expenses;

19 (2) The State Self-Insured Property Fund is hereby created for the  
20 purpose of replacing, repairing, or rebuilding state property which has  
21 incurred damage or is suffering other loss not fully covered by insurance  
22 and for paying related expenses. The fund may receive deposits from  
23 assessments against state agencies to provide property coverage as  
24 directed by the Risk Manager. The Risk Manager may assess state agencies  
25 to provide self-insured property coverage;

26 (3) The State Self-Insured Indemnification Fund is hereby created  
27 for the purpose of paying indemnification claims under section  
28 81-8,239.05. Indemnification claims shall include payments for awards,  
29 settlements, and associated costs, including appeal bonds and reasonable  
30 costs and attorney's fees associated with a required appearance by agency  
31 legal counsel or other legal counsel hired to represent the agency,

1 official, or employee before any tribunal. The fund may receive deposits  
2 from assessments against state agencies to pay for the costs associated  
3 with providing and supporting indemnification claims. The creation of  
4 this fund shall not be interpreted as expanding the liability exposure of  
5 the state or its agencies, officials, or employees; and

6 (4)(a) (4) The State Self-Insured Liability Fund is hereby created  
7 for the purpose of paying compensable liability and fidelity claims  
8 against the state or its agencies, officials, or employees which are not  
9 fully covered by insurance and for which there is insufficient agency  
10 funding and for which a legislative appropriation is made under section  
11 81-8,239.11.

12 (b) The fund may be used to pay claims against the state or its  
13 agencies, officials, or employees for which there is a specific provision  
14 of law for the resolution of such claims but which are not otherwise  
15 payable from the State Insurance Fund, State Self-Insured Property Fund,  
16 State Self-Insured Indemnification Fund, Workers' Compensation Claims  
17 Revolving Fund, or Tort Claims Fund. Such claims shall include payments  
18 for awards, settlements, and associated costs, including appeal bonds and  
19 reasonable costs and attorney's fees associated with a required  
20 appearance by agency legal counsel or other legal counsel hired to  
21 represent the agency, official, or employee before any tribunal.

22 (c) A claim for reasonable costs and attorney's fees described in  
23 subdivision (b) of this subsection shall be paid from the State Self-  
24 Insured Liability Fund if such claim results from the inability of the  
25 Attorney General to represent an agency, official, or employee due to a  
26 conflict of interest.

27 (d) The creation of this fund shall not be interpreted as expanding  
28 the liability exposure of the state or its agencies, officials, or  
29 employees.

30 (e) The Risk Manager shall report electronically all claims and  
31 judgments paid from the State Self-Insured Liability Fund to the Clerk of

1 the Legislature annually. The report shall include the name of the  
2 claimant, the amount claimed and paid, and a brief description of the  
3 claim, including any agency, program, and activity under which the claim  
4 arose. Any member of the Legislature may receive an electronic copy of  
5 the report by making a request to the Risk Manager.

6 Sec. 10. Section 81-8,239.05, Reissue Revised Statutes of Nebraska,  
7 is amended to read:

8 81-8,239.05 (1) The State of Nebraska shall indemnify its officials  
9 and employees and its past officials and employees for money damages and  
10 reasonable costs incurred as a result of an act or omission occurring in  
11 the course and scope of employment of such official or employee after May  
12 22, 1981. Such official's or employee's right to indemnification shall  
13 include the payments of awards, settlements, and associated costs,  
14 including appeal bonds and reasonable costs and attorney's fees  
15 associated with a required appearance by agency legal counsel or other  
16 legal counsel hired to represent the agency, official, or employee before  
17 any tribunal.

18 (2) Subsection (1) of this section shall not apply in case of  
19 malfeasance in office or willful or wanton neglect of duty. This section  
20 shall not be interpreted as an expansion of any state official's or  
21 employee's personal liability.

22 (3) The Attorney General shall notify the Risk Manager when an  
23 official or employee is being represented by the Attorney General or has  
24 engaged competent counsel approved by the Attorney General. The  
25 reasonable costs of litigation, including appeal bonds, or the reasonable  
26 costs and attorney's fees of any appearance by agency legal counsel or  
27 other legal counsel hired to represent the agency, official, or employee  
28 before any tribunal shall be paid by the Risk Manager from the State  
29 Self-Insured Indemnification Fund.

30 (4) The Attorney General shall file copies of all awards and  
31 settlements and any final court approval with the Risk Manager and shall

1 request that the Risk Manager make the required payments, if funds are  
2 available, from the State Self-Insured Indemnification Fund, except that  
3 any portion of an award or settlement which is for punitive damages may  
4 only be paid with the approval of the Legislature. The official or  
5 employee may file a claim under the State Miscellaneous Claims Act if  
6 payment is not made.

7 (5) The Risk Manager shall report electronically all claims and  
8 judgments paid from the State Self-Insured Indemnification Fund to the  
9 Clerk of the Legislature annually. The report shall include the name of  
10 the claimant, the amount claimed and paid, and a brief description of the  
11 claim, including any agency, program, and activity under which the claim  
12 arose. Any member of the Legislature may receive an electronic copy of  
13 the report by making a request to the Risk Manager.

14 Sec. 11. Section 81-8,239.11, Reissue Revised Statutes of Nebraska,  
15 is amended to read:

16 81-8,239.11 A state agency head shall file copies of all  
17 settlements, and a state agency head or the Attorney General shall file  
18 copies of all final, nonappealable judgments, of all self-insured  
19 liability claims with the Risk Manager. If the state agency has  
20 insufficient funds to pay the settlement or judgment, the state agency  
21 shall notify and provide documentation of such insufficient funds to the  
22 Risk Manager. The Risk Manager shall then submit the settlement or  
23 judgment to the Legislature in the same manner as provided in the State  
24 Miscellaneous Claims Act. The Legislature shall review the settlement or  
25 judgment and make an appropriation if appropriate.

26 Sec. 12. Section 84-1409, Revised Statutes Supplement, 2021, is  
27 amended to read:

28 84-1409 For purposes of the Open Meetings Act, unless the context  
29 otherwise requires:

30 (1)(a) Public body means (i) governing bodies of all political  
31 subdivisions of the State of Nebraska, (ii) governing bodies of all

1 agencies, created by the Constitution of Nebraska, statute, or otherwise  
2 pursuant to law, of the executive department of the State of Nebraska,  
3 (iii) all independent boards, commissions, bureaus, committees, councils,  
4 subunits, or any other bodies created by the Constitution of Nebraska,  
5 statute, or otherwise pursuant to law, (iv) all study or advisory  
6 committees of the executive department of the State of Nebraska whether  
7 having continuing existence or appointed as special committees with  
8 limited existence, (v) advisory committees of the bodies referred to in  
9 subdivisions (i), (ii), and (iii) of this subdivision, and (vi)  
10 instrumentalities exercising essentially public functions; and

11 (b) Public body does not include (i) subcommittees of such bodies  
12 unless a quorum of the public body attends a subcommittee meeting or  
13 unless such subcommittees are holding hearings, making policy, or taking  
14 formal action on behalf of their parent body, except that all meetings of  
15 any subcommittee established under section 81-15,175 are subject to the  
16 Open Meetings Act, ~~and~~ (ii) entities conducting judicial proceedings  
17 unless a court or other judicial body is exercising rulemaking authority,  
18 deliberating, or deciding upon the issuance of administrative orders, and  
19 (iii) the Judicial Resources Commission or subcommittees or subgroups of  
20 the commission;

21 (2) Meeting means all regular, special, or called meetings, formal  
22 or informal, of any public body for the purposes of briefing, discussion  
23 of public business, formation of tentative policy, or the taking of any  
24 action of the public body; and

25 (3) Virtual conferencing means conducting or participating in a  
26 meeting electronically or telephonically with interaction among the  
27 participants subject to subsection (2) of section 84-1412.

28 Sec. 13. Section 84-1411, Revised Statutes Supplement, 2021, is  
29 amended to read:

30 84-1411 (1)(a) Each public body shall give reasonable advance  
31 publicized notice of the time and place of each meeting as provided in

1 this subsection. Such notice shall be transmitted to all members of the  
2 public body and to the public.

3 (b)(i) Except as provided in subdivision (1)(b)(ii) of this section,  
4 in the case of a public body described in subdivision (1)(a)(i) of  
5 section 84-1409 or such body's advisory committee, such notice shall be  
6 published in a newspaper of general circulation within the public body's  
7 jurisdiction and, if available, on such newspaper's website.

8 (ii) In the case of the governing body of a city of the second class  
9 or village or such body's advisory committee, such notice shall be  
10 published by:

11 (A) Publication in a newspaper of general circulation within the  
12 public body's jurisdiction and, if available, on such newspaper's  
13 website; or

14 (B) Posting written notice in three conspicuous public places in  
15 such city or village. Such notice shall be posted in the same three  
16 places for each meeting.

17 (iii) In the case of a public body not described in subdivision (1)  
18 (b)(i) or (ii) of this section, such notice shall be given by a method  
19 designated by the public body.

20 (c) In addition to a method of notice required by subdivision (1)(b)  
21 (i) or (ii) of this section, such notice may also be provided by any  
22 other appropriate method designated by such public body or such advisory  
23 committee.

24 (d) Each public body shall record the methods and dates of such  
25 notice in its minutes.

26 (e) Such notice shall contain an agenda of subjects known at the  
27 time of the publicized notice or a statement that the agenda, which shall  
28 be kept continually current, shall be readily available for public  
29 inspection at the principal office of the public body during normal  
30 business hours. Agenda items shall be sufficiently descriptive to give  
31 the public reasonable notice of the matters to be considered at the

1 meeting. Except for items of an emergency nature, the agenda shall not be  
2 altered later than (i) twenty-four hours before the scheduled  
3 commencement of the meeting or (ii) forty-eight hours before the  
4 scheduled commencement of a meeting of a city council or village board  
5 scheduled outside the corporate limits of the municipality. The public  
6 body shall have the right to modify the agenda to include items of an  
7 emergency nature only at such public meeting.

8 (2)(a) The following entities may hold a meeting by means of virtual  
9 conferencing if the requirements of subdivision (2)(b) of this section  
10 are met:

11 (i) A state agency, state board, state commission, state council, or  
12 state committee, or an advisory committee of any such state entity;

13 (ii) An organization, including the governing body, created under  
14 the Interlocal Cooperation Act, the Joint Public Agency Act, or the  
15 Municipal Cooperative Financing Act;

16 (iii) The governing body of a public power district having a  
17 chartered territory of more than one county in this state;

18 (iv) The governing body of a public power and irrigation district  
19 having a chartered territory of more than one county in this state;

20 (v) An educational service unit;

21 (vi) The Educational Service Unit Coordinating Council;

22 (vii) An organization, including the governing body, of a risk  
23 management pool or its advisory committees organized in accordance with  
24 the Intergovernmental Risk Management Act;

25 (viii) A community college board of governors;

26 (ix) The Nebraska Brand Committee;

27 (x) A local public health department;

28 (xi) A metropolitan utilities district;

29 (xii) A regional metropolitan transit authority; and

30 (xiii) A natural resources district. ~~;~~ ~~and~~

31 ~~(xiv) The Judicial Resources Commission.~~



1 (b) The requirements for holding a meeting by means of virtual  
2 conferencing are as follows:

3 (i) Reasonable advance publicized notice is given as provided in  
4 subsection (1) of this section, including providing access to a dial-in  
5 number or link to the virtual conference;

6 (ii) In addition to the public's right to participate by virtual  
7 conferencing, reasonable arrangements are made to accommodate the  
8 public's right to attend at a physical site and participate as provided  
9 in section 84-1412, including reasonable seating, in at least one  
10 designated site in a building open to the public and identified in the  
11 notice, with: At least one member of the entity holding such meeting, or  
12 his or her designee, present at each site; a recording of the hearing by  
13 audio or visual recording devices; and a reasonable opportunity for  
14 input, such as public comment or questions, is provided to at least the  
15 same extent as would be provided if virtual conferencing was not used;

16 (iii) At least one copy of all documents being considered at the  
17 meeting is available at any physical site open to the public where  
18 individuals may attend the virtual conference. The public body shall also  
19 provide links to an electronic copy of the agenda, all documents being  
20 considered at the meeting, and the current version of the Open Meetings  
21 Act; and

22 (iv) Except as otherwise provided in this subdivision or subsection  
23 (4) of section 79-2204, no more than one-half of the meetings of the  
24 state entities, advisory committees, boards, councils, organizations, or  
25 governing bodies are held by virtual conferencing in a calendar year. In  
26 the case of an organization created under the Interlocal Cooperation Act  
27 that sells electricity or natural gas at wholesale on a multistate basis  
28 or an organization created under the Municipal Cooperative Financing Act,  
29 the organization may hold more than one-half of its meetings by virtual  
30 conferencing if such organization holds at least one meeting each  
31 calendar year that is not by virtual conferencing. The governing body of

1 a risk management pool that meets at least quarterly and the advisory  
2 committees of the governing body may each hold more than one-half of its  
3 meetings by virtual conferencing if the governing body's quarterly  
4 meetings are not held by virtual conferencing.

5 (3) Virtual conferencing, emails, faxes, or other electronic  
6 communication shall not be used to circumvent any of the public  
7 government purposes established in the Open Meetings Act.

8 (4) The secretary or other designee of each public body shall  
9 maintain a list of the news media requesting notification of meetings and  
10 shall make reasonable efforts to provide advance notification to them of  
11 the time and place of each meeting and the subjects to be discussed at  
12 that meeting.

13 (5) When it is necessary to hold an emergency meeting without  
14 reasonable advance public notice, the nature of the emergency shall be  
15 stated in the minutes and any formal action taken in such meeting shall  
16 pertain only to the emergency. Such emergency meetings may be held by  
17 virtual conferencing. The provisions of subsection (4) of this section  
18 shall be complied with in conducting emergency meetings. Complete minutes  
19 of such emergency meetings specifying the nature of the emergency and any  
20 formal action taken at the meeting shall be made available to the public  
21 by no later than the end of the next regular business day.

22 (6) A public body may allow a member of the public or any other  
23 witness to appear before the public body by means of virtual  
24 conferencing.

25 (7)(a) Notwithstanding subsections (2) and (5) of this section, if  
26 an emergency is declared by the Governor pursuant to the Emergency  
27 Management Act as defined in section 81-829.39, a public body the  
28 territorial jurisdiction of which is included in the emergency  
29 declaration, in whole or in part, may hold a meeting by virtual  
30 conferencing during such emergency if the public body gives reasonable  
31 advance publicized notice as described in subsection (1) of this section.

1 The notice shall include information regarding access for the public and  
2 news media. In addition to any formal action taken pertaining to the  
3 emergency, the public body may hold such meeting for the purpose of  
4 briefing, discussion of public business, formation of tentative policy,  
5 or the taking of any action by the public body.

6 (b) The public body shall provide access by providing a dial-in  
7 number or a link to the virtual conference. The public body shall also  
8 provide links to an electronic copy of the agenda, all documents being  
9 considered at the meeting, and the current version of the Open Meetings  
10 Act. Reasonable arrangements shall be made to accommodate the public's  
11 right to hear and speak at the meeting and record the meeting. Subsection  
12 (4) of this section shall be complied with in conducting such meetings.

13 (c) The nature of the emergency shall be stated in the minutes.  
14 Complete minutes of such meeting specifying the nature of the emergency  
15 and any formal action taken at the meeting shall be made available for  
16 inspection as provided in subsections (5) and (6) of section 84-1413.

17 Sec. 14. Sections 2, 3, 4, and 16 of this act become operative on  
18 January 1, 2023. The other sections of this act become operative on their  
19 effective date.

20 Sec. 15. Original sections 28-521, 81-8,239.05, and 81-8,239.11,  
21 Reissue Revised Statutes of Nebraska, sections 24-301.02, 28-101, 42-369,  
22 and 81-8,239.02, Revised Statutes Cumulative Supplement, 2020, and  
23 sections 84-1409 and 84-1411, Revised Statutes Supplement, 2021, are  
24 repealed.

25 Sec. 16. Original sections 25-1647, 25-1648, and 25-1678, Revised  
26 Statutes Cumulative Supplement, 2020, are repealed.

27 2. On page 1, strike beginning with "courts" in line 1 through line  
28 4 and insert "law; to amend sections 28-521, 81-8,239.05, and  
29 81-8,239.11, Reissue Revised Statutes of Nebraska, sections 24-301.02,  
30 25-1647, 25-1648, 25-1678, 28-101, 42-369, and 81-8,239.02, Revised  
31 Statutes Cumulative Supplement, 2020, and sections 84-1409 and 84-1411,

1 Revised Statutes Supplement, 2021; to increase the number of district  
2 judges in the fourth judicial district; to make the clerk of the district  
3 court ex officio jury commissioner in all counties; to change provisions  
4 relating to compensation of the jury commissioner in certain counties; to  
5 prohibit criminal trespass by means of an electronic device; to prohibit  
6 criminal impersonation by stolen valor; to provide a penalty; to change  
7 provisions relating to child support; to provide for payment of  
8 attorney's fees from the State Self-Insured Indemnification Fund and the  
9 State Self-Insured Liability Fund; to change provisions relating to  
10 notifying the Risk Manager of insufficient funds; to exempt the Judicial  
11 Resources Commission and its subcommittees or subgroups from the Open  
12 Meetings Act; to harmonize provisions; to provide operative dates; and to  
13 repeal the original sections."