

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 922

FINAL READING

Introduced by Lathrop, 12; Hansen, M., 26.

Read first time January 10, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to law; to amend sections 28-521, 81-8,239.05,
2 and 81-8,239.11, Reissue Revised Statutes of Nebraska, sections
3 24-301.02, 25-1647, 25-1648, 25-1678, 28-101, 42-369, and
4 81-8,239.02, Revised Statutes Cumulative Supplement, 2020, and
5 sections 84-1409 and 84-1411, Revised Statutes Supplement, 2021; to
6 increase the number of district judges in the fourth judicial
7 district; to make the clerk of the district court ex officio jury
8 commissioner in all counties; to change provisions relating to
9 compensation of the jury commissioner in certain counties; to
10 prohibit criminal trespass by means of an electronic device; to
11 prohibit criminal impersonation by stolen valor; to provide a
12 penalty; to change provisions relating to child support; to provide
13 for payment of attorney's fees from the State Self-Insured
14 Indemnification Fund and the State Self-Insured Liability Fund; to
15 change provisions relating to notifying the Risk Manager of
16 insufficient funds; to exempt the Judicial Resources Commission and
17 its subcommittees or subgroups from the Open Meetings Act; to
18 harmonize provisions; to provide operative dates; and to repeal the
19 original sections.
20 Be it enacted by the people of the State of Nebraska,

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

3 24-301.02 The State of Nebraska shall be divided into the following
4 twelve district court judicial districts:

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

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

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

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

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

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

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

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

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

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

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

25 District No. 12 shall contain the counties of Sioux, Dawes, Box
26 Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball,
27 Cheyenne, Grant, and Deuel.

28 ~~Until July 1, 2021, in the fourth district there shall be sixteen~~
29 ~~judges of the district court. Beginning July 1, 2021, in the fourth~~
30 ~~judicial district there shall be seventeen judges of the district court.~~

31 In the fourth district there shall be eighteen judges of the

1 district court. In the third district there shall be eight judges of the
2 district court. In the second, fifth, ninth, eleventh, and twelfth
3 districts there shall be four judges of the district court. In the first
4 and sixth districts there shall be three judges of the district court. In
5 the seventh, eighth, and tenth districts there shall be two judges of the
6 district court.

7 Sec. 2. Section 25-1647, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 25-1647 (1) In each county of the State of Nebraska, the clerk of
10 the district court shall serve as the ~~there shall be a jury~~ commissioner.

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

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

21 (2) (4) In counties having a population in excess of one ~~two~~ hundred
22 seventy-five thousand inhabitants, the judges of the district court
23 within such counties shall determine whether the clerk of the district
24 court will receive additional compensation to perform the duties of jury
25 commissioner. ~~The~~ ~~without additional compensation or the election~~
26 ~~commissioner will be jury commissioner ex officio. If the jury~~
27 ~~commissioner is to receive a salary, the amount of~~ any such additional
28 compensation ~~the salary~~ shall be fixed by the judges of the district
29 court in an amount not to exceed three thousand dollars per annum.

30 (3) (5) In all counties the necessary expenses incurred in the
31 performance of the duties of jury commissioner shall be paid by the

1 county board of the county out of the general fund, upon proper claims
2 approved by one of the district judges in the judicial district and duly
3 filed with the county board.

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

8 (5) ~~(7)~~ This section shall be so interpreted as to effectuate its
9 general purpose, to provide, in the public interest, adequate
10 compensation for the jury commissioner and to permit a change in such
11 salary as soon as the change may become operative under the Constitution
12 of Nebraska.

13 Sec. 3. Section 25-1648, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 25-1648 ~~(1) A majority of the judges of the district court may by~~
16 ~~order direct the clerk of the court to furnish such assistance to the~~
17 ~~jury commissioner as the judges may find necessary.~~

18 (1) ~~(2)~~ The jury commissioner shall appoint a deputy jury
19 commissioner from the regular employees of his or her office who shall
20 serve ex officio and who shall hold office during the pleasure of the
21 jury commissioner. The deputy jury commissioner shall be approved by the
22 judge or judges of the district court before taking office. The deputy
23 jury commissioner, during the absence of the jury commissioner from the
24 county or during the sickness or disability of the jury commissioner,
25 with the consent of such judge or judges, may perform any or all of the
26 duties of the jury commissioner.

27 (2) ~~(3)~~ If there are no regular employees of the office of jury
28 commissioner, he or she may appoint some other county officer or employee
29 thereof as deputy jury commissioner.

30 Sec. 4. Section 25-1678, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

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

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

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

24 (4) The contents of any records or papers used by the jury
25 commissioner ~~or the clerk~~ in connection with the selection process and
26 not made public under the Jury Selection Act shall not be disclosed,
27 except in connection with the preparation or presentation of a motion
28 under subsection (1) of this section, until after all persons on the jury
29 list have been discharged. The parties in a case may inspect, reproduce,
30 and copy the records or papers at all reasonable times during the
31 preparation and pendency of a motion under subsection (1) of this

1 section.

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

8 Sec. 5. Section 28-101, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section
11 7 of this act shall be known and may be cited as the Nebraska Criminal
12 Code.

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

15 28-521 (1) A person commits second degree criminal trespass if,
16 knowing that he or she is not licensed or privileged to do so, he or she
17 enters or remains in any place as to which notice against trespass is
18 given by:

19 (a) Actual communication to the actor; or

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

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

24 (2) A person commits second degree criminal trespass if, knowing
25 that he or she is not licensed or privileged to do so, he or she
26 intentionally causes an electronic device, such as an unmanned aircraft,
27 to enter into, upon, or above the property of another, including such
28 property owned by such person and leased or rented to another, with the
29 intent to observe another person without his or her consent in a place of
30 solitude or seclusion.

31 (3) For purposes of this section, unmanned aircraft means an

1 aircraft, including an aircraft commonly known as a drone, which is
2 operated without the possibility of direct human intervention from within
3 or on the aircraft.

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

6 (5) ~~(3)~~ Second degree criminal trespass is a Class II misdemeanor if
7 the offender defies an order to leave personally communicated to him or
8 her by the owner of the premises or other authorized person.

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

11 (a)(i) Pretends to be an active member or veteran of the United
12 States Navy, Army, Air Force, Marines, Coast Guard, or Space Force,
13 including armed forces reserves and the National Guard, through the
14 unauthorized manufacture, sale, possession, or use of military regalia or
15 gear, including the wearing of military uniforms or the use of falsified
16 military identification; and

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

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

19 (B) Deceive or harm another person; or

20 (b) With the intent to deceive or harm another, fraudulently
21 represents such person to be a recipient of the Congressional Medal of
22 Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, Silver
23 Star, Purple Heart, Combat Infantryman Badge, Combat Action Badge, Combat
24 Medical Badge, Combat Action Ribbon, Air Force Combat Action Medal, or
25 another similar award or honor and obtains money, property, or anything
26 of value through such fraudulent representation.

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

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

31 Sec. 8. Section 42-369, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 42-369 (1) All orders, decrees, or judgments for temporary or
3 permanent support payments, including child, spousal, or medical support,
4 and all orders, decrees, or judgments for alimony or modification of
5 support payments or alimony shall direct the payment of such sums to be
6 made commencing on the first day of each month for the use of the persons
7 for whom the support payments or alimony have been awarded. Such payments
8 shall be made to the clerk of the district court (a) when the order,
9 decree, or judgment is for spousal support, alimony, or maintenance
10 support and the order, decree, or judgment does not also provide for
11 child support, and (b) when the payment constitutes child care or day
12 care expenses, unless payments under subdivision (1)(a) or (1)(b) of this
13 section are ordered to be made directly to the obligee. All other support
14 order payments shall be made to the State Disbursement Unit. In all cases
15 in which income withholding has been implemented pursuant to the Income
16 Withholding for Child Support Act or sections 42-364.01 to 42-364.14,
17 support order payments shall be made to the State Disbursement Unit. The
18 court may order such payment to be in cash or guaranteed funds.

19 (2)(a) If the party against whom an order, decree, or judgment for
20 child support is entered or the custodial party has health care coverage
21 available to him or her through an employer, organization, or other
22 health care coverage entity which may extend to cover any children
23 affected by the order, decree, or judgment and the health care coverage
24 is accessible to the children and is available to the responsible party
25 at reasonable cost, the court shall require health care coverage to be
26 provided. Health care coverage is accessible if the covered children can
27 obtain services from a plan provider with reasonable effort by the
28 custodial party. When the administrative agency, court, or other tribunal
29 determines that the only health care coverage option available through
30 the noncustodial party is a plan that limits service coverage to
31 providers within a defined geographic area, the administrative agency,

1 court, or other tribunal shall determine whether the child lives within
2 the plan's service area. If the child does not live within the plan's
3 service area, the administrative agency, court, or other tribunal shall
4 determine whether the plan has a reciprocal agreement that permits the
5 child to receive coverage at no greater cost than if the child resided in
6 the plan's service area. The administrative agency, court, or other
7 tribunal shall also determine if primary care is available within thirty
8 minutes or thirty miles of the child's residence. For the purpose of
9 determining the accessibility of health care coverage, the administrative
10 agency, court, or other tribunal may determine and include in an order
11 that longer travel times are permissible if residents, in part or all of
12 the service area, customarily travel distances farther than thirty
13 minutes or thirty miles. If primary care services are not available
14 within these constraints, the health care coverage is presumed
15 inaccessible. If health care coverage is not available or is inaccessible
16 and one or more of the parties are receiving Title IV-D services, then
17 cash medical support shall be ordered. Cash medical support or the cost
18 of health care coverage is considered reasonable in cost if the cost to
19 the party responsible for providing medical support does not exceed the
20 amount set forth in child support guidelines established by the Supreme
21 Court by court rule pursuant to section 42-364.16 ~~three percent of his or~~
22 ~~her gross income. In applying the three-percent standard, the cost is the~~
23 ~~cost of adding the children to existing health care coverage or the~~
24 ~~difference between self-only and family health care coverage. Cash~~
25 ~~medical support payments shall not be ordered if, at the time that the~~
26 ~~order is issued or modified, the responsible party's income is or such~~
27 ~~expense would reduce the responsible party's net income below the basic~~
28 ~~subsistence limitation provided in Nebraska Court Rule section 4-218. If~~
29 ~~such rule does not describe a basic subsistence limitation, the~~
30 ~~responsible party's net income shall not be reduced below nine hundred~~
31 ~~three dollars net monthly income for one person or below the poverty~~

1 ~~guidelines updated annually in the Federal Register by the United States~~
2 ~~Department of Health and Human Services under the authority of 42 U.S.C.~~
3 ~~9902(2).~~

4 (b) For purposes of this section:

5 (i) Health care coverage has the same meaning as in section
6 44-3,144; and

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

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

16 (4) Orders, decrees, and judgments for temporary or permanent
17 support or alimony shall be filed with the clerk of the district court
18 and have the force and effect of judgments when entered. The clerk and
19 the State Disbursement Unit shall disburse all payments received as
20 directed by the court and as provided in sections 42-358.02 and
21 43-512.07. Records shall be kept of all funds received and disbursed by
22 the clerk and the unit and shall be open to inspection by the parties and
23 their attorneys.

24 (5) Unless otherwise specified by the court, an equal and
25 proportionate share of any child support awarded shall be presumed to be
26 payable on behalf of each child subject to the order, decree, or judgment
27 for purposes of an assignment under section 43-512.07.

28 Sec. 9. Section 81-8,239.02, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 81-8,239.02 The following separate permanent revolving funds are
31 established in the state treasury for use under the Risk Management

1 Program according to the purposes for which each fund is established:

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

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

20 (3) The State Self-Insured Indemnification Fund is hereby created
21 for the purpose of paying indemnification claims under section
22 81-8,239.05. Indemnification claims shall include payments for awards,
23 settlements, and associated costs, including appeal bonds and reasonable
24 costs and attorney's fees associated with a required appearance by agency
25 legal counsel or other legal counsel hired, with prior approval of the
26 Attorney General, to represent the agency, official, or employee before
27 any tribunal. The fund may receive deposits from assessments against
28 state agencies to pay for the costs associated with providing and
29 supporting indemnification claims. The creation of this fund shall not be
30 interpreted as expanding the liability exposure of the state or its
31 agencies, officials, or employees; and

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

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

18 (c) A claim for reasonable costs and attorney's fees described in
19 subdivision (b) of this subsection shall be paid from the State Self-
20 Insured Liability Fund if such claim results from the inability of the
21 Attorney General to represent an agency, official, or employee due to a
22 conflict of interest. A conflict of interest shall not be deemed to exist
23 when the Attorney General is a party to such claim or represents a party
24 to such claim.

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

28 (e) The Risk Manager shall report electronically all claims and
29 judgments paid from the State Self-Insured Liability Fund to the Clerk of
30 the Legislature annually. The report shall include the name of the
31 claimant, the amount claimed and paid, and a brief description of the

1 claim, including any agency, program, and activity under which the claim
2 arose. Any member of the Legislature may receive an electronic copy of
3 the report by making a request to the Risk Manager.

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

6 81-8,239.05 (1) The State of Nebraska shall indemnify its officials
7 and employees and its past officials and employees for money damages and
8 reasonable costs incurred as a result of an act or omission occurring in
9 the course and scope of employment of such official or employee after May
10 22, 1981. Such official's or employee's right to indemnification shall
11 include the payments of awards, settlements, and associated costs,
12 including appeal bonds and reasonable costs and attorney's fees
13 associated with a required appearance by agency legal counsel or other
14 legal counsel hired, with prior approval of the Attorney General, to
15 represent the agency, official, or employee before any tribunal.

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

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

29 (4) The Attorney General shall file copies of all awards and
30 settlements and any final court approval with the Risk Manager and shall
31 request that the Risk Manager make the required payments, if funds are

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

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

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

15 81-8,239.11 A state agency head shall file copies of all
16 settlements, and a state agency head or the Attorney General shall file
17 copies of all final, nonappealable judgments, of all self-insured
18 liability claims with the Risk Manager. If the state agency has
19 insufficient funds to pay the settlement or judgment, the state agency
20 shall notify and provide documentation of such insufficient funds to the
21 Risk Manager. The Risk Manager shall then submit the settlement or
22 judgment to the Legislature in the same manner as provided in the State
23 Miscellaneous Claims Act. The Legislature shall review the settlement or
24 judgment and make an appropriation if appropriate.

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

27 84-1409 For purposes of the Open Meetings Act, unless the context
28 otherwise requires:

29 (1)(a) Public body means (i) governing bodies of all political
30 subdivisions of the State of Nebraska, (ii) governing bodies of all
31 agencies, created by the Constitution of Nebraska, statute, or otherwise

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

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

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

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

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

29 84-1411 (1)(a) Each public body shall give reasonable advance
30 publicized notice of the time and place of each meeting as provided in
31 this subsection. Such notice shall be transmitted to all members of the

1 public body and to the public.

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

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

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

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

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

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

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

25 (e) Such notice shall contain an agenda of subjects known at the
26 time of the publicized notice or a statement that the agenda, which shall
27 be kept continually current, shall be readily available for public
28 inspection at the principal office of the public body during normal
29 business hours. Agenda items shall be sufficiently descriptive to give
30 the public reasonable notice of the matters to be considered at the
31 meeting. Except for items of an emergency nature, the agenda shall not be

1 altered later than (i) twenty-four hours before the scheduled
2 commencement of the meeting or (ii) forty-eight hours before the
3 scheduled commencement of a meeting of a city council or village board
4 scheduled outside the corporate limits of the municipality. The public
5 body shall have the right to modify the agenda to include items of an
6 emergency nature only at such public meeting.

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

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

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

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

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

19 (v) An educational service unit;

20 (vi) The Educational Service Unit Coordinating Council;

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

24 (viii) A community college board of governors;

25 (ix) The Nebraska Brand Committee;

26 (x) A local public health department;

27 (xi) A metropolitan utilities district;

28 (xii) A regional metropolitan transit authority; and

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

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

31 (b) The requirements for holding a meeting by means of virtual

1 conferencing are as follows:

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

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

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

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

1 committees of the governing body may each hold more than one-half of its
2 meetings by virtual conferencing if the governing body's quarterly
3 meetings are not held by virtual conferencing.

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

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

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

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

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

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

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

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

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

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

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