

AMENDMENTS TO LB186

Introduced by Government, Military and Veterans Affairs.

1 1. Insert the following new section:

2 Sec. 24. Section 86-611, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 86-611 (1) It is the intent of the Legislature to promote economic
5 growth and the efficient operation of business and government in Nebraska
6 through the electronic exchange of information and legally binding
7 electronic transactions. In order to facilitate the electronic exchange
8 of information, Nebraska must establish means to ensure that electronic
9 transactions are legally binding and enforceable, while ensuring that
10 security measures are in place to prevent opportunities for fraud and
11 misuse.

12 (2) In any written communication in which a signature is required or
13 used, any party to the communication may affix a signature by use of a
14 digital signature that complies with the requirements of this section.
15 The use of a digital signature shall have the same force and effect as
16 the use of a manual signature if and only if it embodies all of the
17 following attributes:

18 (a) It is unique to the person using it;

19 (b) It is capable of verification;

20 (c) It is under the sole control of the person using it;

21 (d) It is linked to data in such a manner that if the data is
22 changed, the digital signature is invalidated; and

23 (e) It conforms to rules and regulations adopted and promulgated by
24 the Secretary of State.

25 (3) In any communication in which a signature is required or used, a
26 state agency or political subdivision may accept a digital signature or
27 an electronic signature and may accept the communication in electronic

1 format. Any use of a digital signature, an electronic signature, or an
2 electronic communication by a court is subject to the rules of the
3 Supreme Court.

4 (4) The Secretary of State shall adopt and promulgate rules and
5 regulations to carry out this section which:

6 (a) Identify and define the type of signature which may be used in
7 the electronic communications governed by the rules and regulations;

8 (b) Identify and define the type of electronic communications for
9 which a digital signature or an electronic signature may be used; and

10 (c) Provide a degree of security reasonably related to the risks and
11 consequences of fraud or misuse for the type of electronic communication
12 which, at a minimum, shall require the maintenance of an audit trail of
13 the assignment or approval and the use of the unique access code or
14 unique electronic identifier.

15 (5) This section shall not be construed to invalidate digital
16 signatures, electronic signatures, or electronic communications which are
17 valid under any other applicable law.

18 (6) Unless otherwise provided by law, the use or acceptance of a
19 digital signature or an electronic signature shall be at the option of
20 the parties to the communication. This section shall not be construed to
21 require a person to use or permit the use of a digital signature or
22 electronic signature.

23 (7) In developing the rules and regulations, the Secretary of State
24 shall seek the advice of public and private entities, including the
25 Department of Administrative Services.

26 (8) The register of deeds or county clerk of each county shall
27 provide one or more electronic recording services for the purpose of
28 accepting electronically submitted real estate documents for recording.

29 (9) (8) For purposes of this section:

30 (a) Electronic signature means a unique access code or other unique
31 electronic identifier assigned or approved by the state agency for use in

1 communications with the state agency;

2 (b) Digital signature means an electronic identifier, created by
3 computer, intended by the person using it to have the same force and
4 effect as a manual signature; and

5 (c) State agency means any agency, board, court, or constitutional
6 officer of the executive, judicial, and legislative branches of state
7 government, except individual members of the Legislature.

8 2. On page 4, line 15, strike "January" and insert "July".

9 3. On page 7, line 9, strike "seven" and insert "ten".

10 4. On page 12, strike beginning with "be" in line 7 through
11 "measuring" in line 8, show as stricken, and insert "measure"; and in
12 line 10 after "on" insert "a white background if submitted electronically
13 or on".

14 5. On page 13, lines 1 through 3, strike the new matter and
15 reinstate the stricken matter.

16 6. On page 17, line 9, strike "January" and insert "July".

17 7. Renumber the remaining sections and correct the repealer
18 accordingly.