

AMENDMENTS TO LB922

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 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 penalties under subsection (2) of this section, be ordered to make
5 restitution pursuant to sections 29-2280 to 29-2289.

6 Sec. 8. Section 81-8,239.02, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

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

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

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

29 (3) The State Self-Insured Indemnification Fund is hereby created
30 for the purpose of paying indemnification claims under section
31 81-8,239.05. Indemnification claims shall include payments for awards,

1 settlements, and associated costs, including appeal bonds and reasonable
2 costs and attorney's fees associated with a required appearance by agency
3 legal counsel or other legal counsel hired to represent the agency,
4 official, or employee before any tribunal. The fund may receive deposits
5 from assessments against state agencies to pay for the costs associated
6 with providing and supporting indemnification claims. The creation of
7 this fund shall not be interpreted as expanding the liability exposure of
8 the state or its agencies, officials, or employees; and

9 (4)(a) ~~(4)~~ The State Self-Insured Liability Fund is hereby created
10 for the purpose of paying compensable liability and fidelity claims
11 against the state or its agencies, officials, or employees which are not
12 fully covered by insurance and for which there is insufficient agency
13 funding and for which a legislative appropriation is made under section
14 81-8,239.11.

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

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

30 (d) The creation of this fund shall not be interpreted as expanding
31 the liability exposure of the state or its agencies, officials, or

1 employees.

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

9 Sec. 9. Section 81-8,239.05, Reissue Revised Statutes of Nebraska,
10 is amended to read:

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

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

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

1 Self-Insured Indemnification Fund.

2 (4) The Attorney General shall file copies of all awards and
3 settlements and any final court approval with the Risk Manager and shall
4 request that the Risk Manager make the required payments, if funds are
5 available, from the State Self-Insured Indemnification Fund, except that
6 any portion of an award or settlement which is for punitive damages may
7 only be paid with the approval of the Legislature. The official or
8 employee may file a claim under the State Miscellaneous Claims Act if
9 payment is not made.

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

17 Sec. 10. Section 81-8,239.11, Reissue Revised Statutes of Nebraska,
18 is amended to read:

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

29 Sec. 11. Section 84-1409, Revised Statutes Supplement, 2021, is
30 amended to read:

31 84-1409 For purposes of the Open Meetings Act, unless the context

1 otherwise requires:

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

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

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

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

31 Sec. 12. Section 84-1411, Revised Statutes Supplement, 2021, is

1 amended to read:

2 84-1411 (1)(a) Each public body shall give reasonable advance
3 publicized notice of the time and place of each meeting as provided in
4 this subsection. Such notice shall be transmitted to all members of the
5 public body and to the public.

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

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

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

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

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

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

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

29 (e) Such notice shall contain an agenda of subjects known at the
30 time of the publicized notice or a statement that the agenda, which shall
31 be kept continually current, shall be readily available for public

1 inspection at the principal office of the public body during normal
2 business hours. Agenda items shall be sufficiently descriptive to give
3 the public reasonable notice of the matters to be considered at the
4 meeting. Except for items of an emergency nature, the agenda shall not be
5 altered later than (i) twenty-four hours before the scheduled
6 commencement of the meeting or (ii) forty-eight hours before the
7 scheduled commencement of a meeting of a city council or village board
8 scheduled outside the corporate limits of the municipality. The public
9 body shall have the right to modify the agenda to include items of an
10 emergency nature only at such public meeting.

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

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

16 (ii) An organization, including the governing body, created under
17 the Interlocal Cooperation Act, the Joint Public Agency Act, or the
18 Municipal Cooperative Financing Act;

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

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

23 (v) An educational service unit;

24 (vi) The Educational Service Unit Coordinating Council;

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

28 (viii) A community college board of governors;

29 (ix) The Nebraska Brand Committee;

30 (x) A local public health department;

31 (xi) A metropolitan utilities district;

1 (xii) A regional metropolitan transit authority; and

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

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

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

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

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

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

25 (iv) Except as otherwise provided in this subdivision or subsection
26 (4) of section 79-2204, no more than one-half of the meetings of the
27 state entities, advisory committees, boards, councils, organizations, or
28 governing bodies are held by virtual conferencing in a calendar year. In
29 the case of an organization created under the Interlocal Cooperation Act
30 that sells electricity or natural gas at wholesale on a multistate basis
31 or an organization created under the Municipal Cooperative Financing Act,

1 the organization may hold more than one-half of its meetings by virtual
2 conferencing if such organization holds at least one meeting each
3 calendar year that is not by virtual conferencing. The governing body of
4 a risk management pool that meets at least quarterly and the advisory
5 committees of the governing body may each hold more than one-half of its
6 meetings by virtual conferencing if the governing body's quarterly
7 meetings are not held by virtual conferencing.

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

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

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

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

28 (7)(a) Notwithstanding subsections (2) and (5) of this section, if
29 an emergency is declared by the Governor pursuant to the Emergency
30 Management Act as defined in section 81-829.39, a public body the
31 territorial jurisdiction of which is included in the emergency

1 declaration, in whole or in part, may hold a meeting by virtual
2 conferencing during such emergency if the public body gives reasonable
3 advance publicized notice as described in subsection (1) of this section.
4 The notice shall include information regarding access for the public and
5 news media. In addition to any formal action taken pertaining to the
6 emergency, the public body may hold such meeting for the purpose of
7 briefing, discussion of public business, formation of tentative policy,
8 or the taking of any action by the public body.

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

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

20 Sec. 13. Sections 2, 3, 4, and 15 of this act become operative on
21 January 1, 2023. The other sections of this act become operative on their
22 effective date.

23 Sec. 14. Original sections 28-521, 81-8,239.05, and 81-8,239.11,
24 Reissue Revised Statutes of Nebraska, sections 24-301.02, 28-101, and
25 81-8,239.02, Revised Statutes Cumulative Supplement, 2020, and sections
26 84-1409 and 84-1411, Revised Statutes Supplement, 2021, are repealed.

27 Sec. 15. Original sections 25-1647, 25-1648, and 25-1678, Revised
28 Statutes Cumulative Supplement, 2020, are repealed.