

LEGISLATIVE BILL 922

Approved by the Governor April 19, 2022

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

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

Be it enacted by the people of the State of Nebraska,

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

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

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

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

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

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

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

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

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

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

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

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

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

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

~~In the fourth district there shall be eighteen judges of the district court. In the third district there shall be eight judges of the district court. In the second, fifth, ninth, eleventh, and twelfth districts there shall be four judges of the district court. In the first and sixth districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Actual communication to the actor; or
- (b) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
- (c) Fencing or other enclosure manifestly designed to exclude intruders except as otherwise provided in section 28-520.

(2) A person commits second degree criminal trespass if, knowing that he

or she is not licensed or privileged to do so, he or she intentionally causes an electronic device, such as an unmanned aircraft, to enter into, upon, or above the property of another, including such property owned by such person and leased or rented to another, with the intent to observe another person without his or her consent in a place of solitude or seclusion.

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

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

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

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

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

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

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

(B) Deceive or harm another person; or

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

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

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

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

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

(2)(a) If the party against whom an order, decree, or judgment for child support is entered or the custodial party has health care coverage available to him or her through an employer, organization, or other health care coverage entity which may extend to cover any children affected by the order, decree, or judgment and the health care coverage is accessible to the children and is available to the responsible party at reasonable cost, the court shall require health care coverage to be provided. Health care coverage is accessible if the covered children can obtain services from a plan provider with reasonable effort by the custodial party. When the administrative agency, court, or other tribunal determines that the only health care coverage option available through the noncustodial party is a plan that limits service coverage to providers within a defined geographic area, the administrative agency, court, or other tribunal shall determine whether the child lives within the plan's service area. If the child does not live within the plan's service area, the administrative agency, court, or other tribunal shall determine whether the plan has a reciprocal agreement that permits the child to receive coverage at no greater cost than if the child resided in the plan's service area. The administrative agency, court, or other tribunal shall also determine if primary care is available within thirty minutes or thirty miles of the child's residence. For the purpose of determining the accessibility of health care coverage, the administrative agency, court, or other tribunal may determine and include in an order that longer travel times are permissible if residents, in part or all of the service area, customarily travel distances farther than thirty minutes or thirty miles. If primary care services are not available within these constraints, the health care coverage is presumed inaccessible. If health care coverage is not available or is inaccessible and one or more of the parties are receiving Title IV-D services, then cash medical support shall be ordered. Cash medical support or the cost of health care coverage is considered reasonable in cost if the cost to the party responsible for providing medical support does not exceed the amount set forth in child support guidelines established by the Supreme Court by court rule pursuant to section 42-364.16

~~three percent of his or her gross income. In applying the three-percent standard, the cost is the cost of adding the children to existing health care coverage or the difference between self-only and family health care coverage. Cash medical support payments shall not be ordered if, at the time that the order is issued or modified, the responsible party's income is or such expense would reduce the responsible party's net income below the basic subsistence limitation provided in Nebraska Court Rule section 4-218. If such rule does not describe a basic subsistence limitation, the responsible party's net income shall not be reduced below nine hundred three dollars net monthly income for one person or below the poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).~~

(b) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

(c) A claim for reasonable costs and attorney's fees described in subdivision (b) of this subsection shall be paid from the State Self-Insured Liability Fund if such claim results from the inability of the Attorney General

to represent an agency, official, or employee due to a conflict of interest. A conflict of interest shall not be deemed to exist when the Attorney General is a party to such claim or represents a party to such claim.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the

issuance of administrative orders, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

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

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

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

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

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

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

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

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

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

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

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

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

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

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

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

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

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

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

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

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

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

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

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

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

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is

provided to at least the same extent as would be provided if virtual conferencing was not used;

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

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

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

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

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

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

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

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

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

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

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

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