

Nebraska Laws Pertaining
to
Libraries and Library
Operations

NEBRASKA
PUBLICATIONS
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INTRODUCTION

This compilation of laws pertaining to libraries and library operations is published by the Nebraska Library Commission as a summary of statutory laws through the Ninety-Fifth Legislature, 1997. The selected laws represent commonly referenced sections of the statutes addressing library related issues. This compilation replaces the much used, but dated, 1984 Nebraska library laws publication and includes new legislation enacted in during the 1997 legislative session.

The library laws compilation does not necessarily include all laws which may pertain to Nebraska libraries. Full sets of the *Revised Statutes of Nebraska* are distributed to each County Law Library, county attorney, and public defender. Nebraska document depository libraries are also sources for sets of the *Revised Statutes of Nebraska*. State statutes and other information related to the Nebraska Unicameral can also be accessed online through the Legislature's Web site: <<http://unicam1.lcs.state.ne.us/>>.

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Chapter 13 Nebraska Budget Act

STATUTE: 13-502

HEADING: Cities, Counties, and Political Subdivisions.

SUBJECT: Purpose of act.

(1) The purpose of the Nebraska Budget Act is to require governing bodies of this state to which the act applies to follow prescribed budget practices and procedures and make available to the public pertinent information pertaining to the financial requirements and expectations of such governing bodies so that intelligent and informed support, opposition, criticism, suggestions, or observations can be made by those affected. (2) The act shall not apply to governing bodies which have a budget of less than five thousand dollars per year. (3) The act shall not apply to proprietary functions of STATUTE: 13-503

STATUTE: 13-503

HEADING: Cities, Counties, and Other Political Subdivisions.

SUBJECT: Terms, defined.

For purposes of the Nebraska Budget Act, unless the context otherwise requires: (1) Governing body shall mean, in the case of a city, the council; in the case of a village, cemetery district, community hospital for two or more adjoining counties, road improvement district, sanitary drainage district, or sanitary and improvement district, the board of trustees; in the case of a county, the county board; in the case of a township, the town board; in the case of a school district, the school board; in the case of a rural or suburban fire protection district, reclamation district, natural resources district, or hospital district, the municipalities for which a separate budget has been approved by the city council or village board as provided in the Municipal Proprietary Function Act, board of directors; in the case of a health district, the board of health; in the case of an educational service unit, the board; in the case of a community college, the Community College Board of Governors for the area the board serves; in the case of an airport authority, the airport authority board; in the case of a weed control authority, the board; and in the case of a county agricultural society, the board of directors; (2) Levying board shall mean any governing body which has the power or duty to levy a tax; (3) Fiscal year shall mean the twelve-month period used by each governing body in determining and carrying on its financial and taxing affairs; (4) Tax shall mean any general or special tax levied against persons, property, or business for public purposes as provided by law but shall not include any special assessment; (5) Auditor shall mean the Auditor of Public Accounts; (6) Cash reserve shall mean funds required for the period before revenue would become available for expenditure but shall not include funds held in any special reserve fund; (7) Public funds shall mean all money, including non tax money, used in the operation and functions of governing bodies. For purposes of a county, city, or village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the county, city, or village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes; (8) Adopted budget statement shall mean a proposed budget statement which has been adopted or amended and adopted as provided in section 13-506. Such term shall include additions, if any, to an adopted budget statement made by a revised budget which has been adopted as provided in section 13-511; and (9) Special reserve fund shall mean any special fund set aside by the governing body for a particular purpose and not available for expenditure for any other purpose. Funds created for (a) the retirement of bonded indebtedness, (b) the funding of employee pension plans, (c) the purposes of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes of the Local Option Municipal Economic Development Act, (e) voter-approved sinking funds, or (f) statutorily authorized sinking funds shall be considered special reserve funds.

Cities and Villages; Laws Applicable to All

STATUTE: 13-604

HEADING: Chapter 13. Cities, Counties, and Other Political Subdivisions.

SUBJECT: Municipalities and counties; federal and other funds; expenditures authorized.

It shall be lawful for any municipality and for any county to spend its own revenue and other available resources, including funds received under Title I of the federal State and Local Fiscal Assistance Act of 1972 (Public Law 92-512, 23 U.S.C. chapter 24), or any successor act thereto, for any purpose for which other revenue may be lawfully expended including the following: (1) Ordinary and necessary maintenance and operating expenses for (a) public safety, including law enforcement, fire protection, and building code enforcement; (b) environmental protection, including sewage disposal, sanitation and pollution abatement; (c) public transportation, including transit systems for streets and roads; (d) health; (e) recreation; (f) libraries; (g) social services as defined in section 68-1202; and (h) financial administration; and (2) Ordinary and necessary capital expenditures authorized by law.

Interlocal Cooperation Act

STATUTE: 13-801

HEADING: Chapter 13. Cities, Counties, and Political Subdivisions.

SUBJECT: Act, how cited.

Sections 13-801 to 13-827 shall be known and may be cited as the Interlocal Cooperation Act.

STATUTE: 13-802

HEADING: Chapter 13. Cities, Counties, and Political Subdivisions.

SUBJECT: (Operative date July 1, 1998.) Purpose of act.

It is the purpose of the Interlocal Cooperation Act to permit local governmental units to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

STATUTE: 13-803

HEADING: Chapter 13. Cities, Counties, and Political Subdivisions.

SUBJECT: (Operative date July 1, 1998.) Terms, defined.

For purposes of the Interlocal Cooperation Act: (1) Joint entity shall mean an entity created by agreement pursuant to section 13-804; (2) Public agency shall mean any county, city, village, school district, or agency of the state government or of the United States, any drainage district, sanitary and improvement district, or other municipal corporation or political subdivision of this state, and any political subdivision of another state; (3) Public safety services shall mean public services for the protections of persons or property. Public safety services shall include law enforcement, fire protection, and emergency response services; and (4) State shall mean a state of the United States and the District of Columbia.

STATUTE: 13-804

HEADING: Chapter 13. Cities, Counties, and Political Subdivisions.

SUBJECT: (Operative date July 1, 1998.) Public agencies; powers; agreements.

(1) Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public

agency of this state having such power or powers, privileges, or authority and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges, and authority conferred by the Interlocal Cooperation Act upon a public agency. (2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the Interlocal Cooperation Act.

Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force. (3) Any such agreement shall specify the following: (a) Its duration; (b) The general organization, composition, and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto; (c) Its purpose or purposes; (d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor; (e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; (f) The manner of levying, collecting, and accounting for any tax authorized under sections 13-318 to 13-326; and (g) Any other necessary and proper matters. (4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items enumerated in subsection (3) of this section, contain the following: (a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, the public agencies party to the agreement shall be represented; and (b) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking. (5) No agreement made pursuant to the Interlocal Cooperation Act shall relieve any public agency of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made pursuant to the act, which performance may be offered in satisfaction of the obligation or responsibility.

(6) In the event that an agreement made pursuant to this section creates a joint entity, such joint entity shall be subject to control by its members in accordance with the terms of the agreement; shall constitute a separate public body corporate and politic of this state, exercising public powers and acting on behalf of the public agencies which are parties to such agreement; and shall have power (a) to sue and be sued, (b) to have a seal and alter the same at pleasure or to dispense with the necessity thereof, (c) to make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and (d) from time to time, to make, amend, and repeal bylaws, rules, and regulations, not inconsistent with the Interlocal Cooperation Act and the agreement providing for its creation, to carry out and effectuate its powers and purposes. (7) No entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state agency, and no employee of such an entity shall be considered a state employee.

STATUTE: 13-805

HEADING: Chapter 13. Cities, Counties, and Political Subdivisions.

SUBJECT: Public agencies; submission of agreements for approval; when.

LAW 13-805. In the event that an agreement made pursuant to the Interlocal Cooperation Act deals in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by the officer or agency as to all matters within the officer's or agency's jurisdiction.

STATUTE: 13-806

HEADING: Chapter 13. Cities, Counties, and Political Subdivisions.

SUBJECT: Public agencies; appropriation of funds; supply personnel.

Any public agency entering into an agreement pursuant to the Interlocal Cooperation Act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board, joint entity, or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

STATUTE: 13-807

HEADING: Chapter 13. Cities, Counties, and Political Subdivisions.

SUBJECT: Public agencies; contracts authorized; contents.

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform. Such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully as provided in the Interlocal Cooperation Act the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

STATUTE: 13-825

HEADING: Chapter 13. Cities, Counties, and Other Political Subdivisions.

SUBJECT: Act, how construed.

The provisions of the Interlocal Cooperation Act shall be deemed to provide an additional, alternative, and complete method for the doing of the things authorized by the act and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon political subdivisions, agencies, and others by law. Insofar as the provisions of the Interlocal Cooperation Act are inconsistent with the provisions of any general or special law, administrative order, or regulation, the provisions of the Interlocal Cooperation Act shall be controlling.

STATUTE: 13-826

HEADING: Chapter 13. Cities, Counties, and Other Political Subdivisions.

SUBJECT: Pledge of state.

The State of Nebraska does hereby pledge to and agree with the holders of any bonds and with those persons who may enter into contracts with any joint entity or political subdivision under the Interlocal Cooperation Act that the state will not alter, impair, or limit the rights thereby vested until the bonds, together with applicable interest, are fully met and discharged and such contracts are fully performed. Nothing contained in the Interlocal Cooperation Act shall preclude such alteration, impairment, or limitation if and when adequate provisions are made by law for the protection of the holders of the bonds or persons entering into contracts with any joint entity or political subdivision. Each joint entity and political subdivision may include this pledge and undertaking for the state in such bonds or contracts.

STATUTE: 13-827

HEADING: Chapter 13. Cities, Counties, and Other Political Subdivisions.

SUBJECT: Act, liberal construction.

The Interlocal Cooperation Act is necessary for the welfare of the state and its inhabitants and shall be construed liberally to effect its purposes.

Local Government Miscellaneous Expenditure Act

STATUTE: 13-2202

HEADING: Chapter 13. Cities, Counties, and Other Political Subdivisions.

SUBJECT: Terms, defined.

For purposes of the Local Government

Miscellaneous Expenditure Act:

(1) Elected and appointed officials and employees shall mean the elected and appointed officials and employees of any local government; (2) Governing body shall mean, in the case of a city of any class, the council; in the case of a village, cemetery district, community hospital for two or more adjoining counties, county hospital, road improvement district, sanitary drainage district, or sanitary and improvement district, the board of trustees; in the case of a county, the county board; in the case of a township, the town board; in the case of a school district, the school board; in the case of a rural or suburban fire protection district, reclamation district, natural resources district, or hospital district, the board of directors; in the case of a health district, the board of health; in the case of an educational service unit, the board; in the case of a community college, the Community College Board of Governors for the area the board serves; in the case of an airport authority, the airport authority board; in the case of a weed control authority, the board; and in the case of a county agricultural society, the board of governors; (3) Local government shall mean cities of any class, villages, cemetery districts, community hospitals for two or more adjoining counties, county hospitals, road improvement districts, counties, townships, sanitary drainage districts, sanitary and improvement districts, school districts, rural or suburban fire protection districts, reclamation districts, natural resources districts, hospital districts, health districts, educational service units, community colleges, airport authorities, weed control authorities, and county agricultural societies; (4) Public funds shall mean such public funds as defined in section 13-503 as are under the direct control of governing bodies of local governments; (5) Public meeting shall mean all regular, special, or called meetings, formal or informal, of any governing body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the governing body; and (6) Volunteer shall mean a person who is not an elected or appointed official or an employee of a local government and who, at the request or with the permission of the local government, engages in activities related to the purposes or functions of the local government or for its general benefit.

Chapter 14 Cities of the Metropolitan Class

STATUTE: 14-102

HEADING: Chapter 14. Cities of the Metropolitan Class.

SUBJECT: Additional powers.

In addition to the powers granted in section 14-101, cities of the metropolitan class shall have power by ordinance: Libraries, art galleries, and museums. (27) To establish and maintain public libraries, reading rooms, art galleries, and museums and to provide the necessary grounds or buildings therefor; to purchase books, papers, maps, manuscripts, works of art, and objects of natural or of scientific curiosity, and instruction therefor; to receive donations and bequests of money or property for the same in trust or otherwise and to pass necessary bylaws and regulations for the protection and government of the same;

STATUTE: 14-501

HEADING: Chapter 14. Cities of the Metropolitan Class.

SUBJECT: Statutory funds; annual appropriation; limitation.

The city council shall annually and within the first week of January, if possible, appropriate money and credits of the city in such amounts as may be deemed necessary and proper and set the same aside to the following designated funds to be known as statutory funds: (1) For the fire department of the city, (2) for the police department of the city, (3) for the health department of the city, (4) for the public library, (5) for the purposes of the welfare board, and (6) for the purpose of paying judgments and costs. The amounts so appropriated and set aside to such funds respectively shall be the maximum amounts that may be appropriated to or expended from such funds within the year for the purposes for which such funds respectively are created.

STATUTE: 14-526

HEADING: Chapter 14. Cities of the Metropolitan Class.

SUBJECT: Bonds; maximum amount authorized annually; exceptions.

Bonds in excess of two hundred and fifty thousand dollars may not be issued in any one year, except for renewal or refunding to fund floating indebtedness or district improvement bonds, to finance grading, to finance public improvements, sewers and intersections, to erect police stations and workhouses, to acquire existing utility property, to construct, remodel or complete a municipal auditorium, to pay for property purchased or acquired in condemnation proceedings, for a public library, subways and conduits, and useful and needed public buildings, to pay for the construction and maintenance of gas works, waterworks, electric light plants or power plants, or any other public utility authorized by this act, or land therefor.

Chapter 15

Cities of the Primary Class

STATUTE: 15-230

HEADING: Chapter 15. Cities of the Primary Class.

SUBJECT: Public libraries; establishment.

A primary city may establish, maintain, and operate public library facilities, purchase books, papers, maps and manuscripts therefor, receive donations and bequests of money or property for the same in trust or otherwise, and pass necessary bylaws and regulations for the protection and government of the same.

Chapter 16 Cities of the First Class

STATUTE: 16-251

HEADING: Chapter 16. Cities of the First Class.

SUBJECT: Libraries and museums; establishment; maintenance.

The mayor and council of any city of the first class shall have power to establish and maintain public libraries, reading rooms, art galleries and museums, and to provide the necessary grounds or buildings therefor; to purchase the papers, books, maps, manuscripts and works of art, and objects of natural or scientific curiosity and instruction therefor; and to receive donations and bequests of money or property for the same in trust or otherwise. They may also pass necessary bylaws and regulations for the protection and government of the same. The ownership of the real and personal property of such library shall be in the city.

STATUTE: 16-253

HEADING: Chapter 16. Cities of the First Class

SUBJECT: Mayor and council; supplemental powers; authorized.

When the power is conferred upon the mayor and council of any city of the first class to do and perform any act or thing, and the manner of exercising such power is not specially pointed out, the mayor and council may provide by ordinance the details necessary for the full exercise of such power.

Chapter 17

Cities of the Second Class and Villages

STATUTE: 17-967

HEADING: Chapter 17. Cities of the Second Class and Villages.

SUBJECT: Bonds; city of the second class or village; municipal library; issuance; interest; conditions; limitations; tax levy.

Any city of the second class or village organized according to law is hereby authorized to issue bonds in aid of improving municipal libraries of cities of the second class and villages in an amount not exceeding seven-tenths of one percent of the taxable valuation of all the taxable property, as shown by the last assessment, within such city of the second class or village in the manner directed in this section: (1) A petition signed by not less than fifty freeholders of the city of the second class or village shall be presented to the city council of cities of the second class or board of trustees of villages. Such petition shall set forth the nature of the work contemplated, the amount of bonds sought to be voted, the rate of interest, and the length of time such bonds run, which in no event shall be less than five years nor more than twenty years from the date thereof. The petitioners shall give bond to be approved by the city council of cities of the second class or board of trustees of villages for the payment of the expenses of the election in the event that the proposition fails to receive a majority of the votes cast at such election; and Upon the receipt of such petition, the city council of cities of the second class or board of trustees of villages shall give notice and call an election in the city of the second class or village. Such notice, call, and election shall be governed by the laws regulating an election for voting bonds for such city or village. When a proposition is submitted for the issuance of bonds for the acquisition of a site or the construction of a single building for the purpose of housing the municipal public library in cities of the second class or villages, it shall be required as a condition precedent to the issuance of such bonds that a majority of the votes cast shall be in favor of such proposition. Bonds in such a city shall not be issued for such purpose in the aggregate to exceed one and four-tenths percent of the taxable valuation of all the taxable property in such a city as shown by the last assessment within such city of the second class.

STATUTE: 17-968

HEADING: Chapter 17. Cities of the Second Class and Villages.

SUBJECT: Bonds; issuance; record; registration.

If a majority of the votes cast at such election shall be in favor of the proposition, the city council of cities of the second class, or board of trustees of villages shall, as the case may be, without delay, cause to be prepared and shall issue the bonds in accordance with the petition and notice of election; such bonds shall be signed by the mayor and city clerk of cities of the second class, chairman of the board of trustees and village clerk of villages, and be attested by the respective seals. The village clerk of villages, or city clerk of cities of the second class, as the case may be, shall enter upon the records of the council, the petition, bond, notice and call for the election, canvass of the vote, the number, amount and interest, and the date at which each bond issued shall become payable; and shall also cause such bonds to be registered in the office of the Auditor of Public Accounts.

STATUTE: 17-969

HEADING: Chapter 17. Cities of the Second Class and Villages.

SUBJECT: Bonds; sinking fund; interest; levy.

The city councils of cities of the second class, or boards of trustees of villages or the person charged with levying the taxes, shall each year until the bonds issued under the authority of section 17-967 be paid, levy upon the taxable property in the city of the second class or village, a tax sufficient to pay the interest and five percent of the principal as a sinking fund; and at the tax levy preceding the maturity of any such bonds, levy an amount sufficient to pay the principal and interest due on such bonds.

Chapter 19 Cities and Villages; Particular Classes

STATUTE: 19-1301

HEADING: Chapter 19. Cities and Villages; Particular Classes.

SUBJECT: Sinking funds; gifts; authority to receive; real estate; management.

All cities of the first and second class, and all villages, are hereby empowered to receive money or property by donation, bequest, gift, devise or otherwise for the benefit of any one or more of the public purposes for which sinking funds are established by the provisions of sections 19-1301 to 19-1304, as stipulated by the donor. The title to the money or property so donated shall vest in the local governing bodies of said cities or villages, or in their successors in office, who shall become the owners thereof in trust to the uses of said sinking fund or funds; PROVIDED, if the donation be real estate, said local governing bodies may manage the same as in the case of real estate donated to their respective municipalities for municipal library purposes under the provisions of sections 51-215 and 51-216.

STATUTE: 19-1302

HEADING: Chapter 19. Cities and Villages; Particular Classes.

SUBJECT: Sinking funds; purposes; tax to establish; amount of levy; when authorized.

The local governing body of any city of the first or second class or any village, subject to all the limitations set forth in sections 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed ten and five-tenths cents on each one hundred dollars in any one year upon the taxable value of all the taxable property within such municipality for a term of not to exceed ten years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of such municipality, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, including acquisition of any land incident to the making thereof: Municipal library; municipal auditorium or community house for social or recreational purposes; city or village hall; municipal public library, auditorium, or community house in a single building; municipal swimming pool and appurtenances thereto; municipal jail; municipal building to house equipment or personnel of a fire department, together with firefighting equipment or apparatus; municipal park; municipal cemetery; municipal medical clinic building, together with furnishings and equipment; or municipal hospital. No such city or village shall be authorized to levy the tax or to establish the sinking fund as provided in this section if, having bonded indebtedness, such city or village has been in default in the payment of interest thereon or principal thereof for a period of ten years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in section 19-1303.

Chapter 23

County Employees' Retirement Act

STATUTE: 23-2306

HEADING: Chapter 23. County Government and Officers.

SUBJECT: Retirement system; members; employees; elected officials; new employee; participation in another governmental plan; how treated; separate employment; effect.

(1) The membership of the retirement system shall be composed of (a) all full-time employees who have been employees for a period of twelve continuous months, except that full-time elected officials shall be members on taking office, (b) all full-time or part-time employees who have attained the age of twenty-five, have been employed for a total of twelve months within a five-year period, and exercise the option to join the retirement system, and (c) all part-time elected officials who exercise the option to join the retirement system. A part-time employee who exercises the option to join the retirement system shall remain in the system until termination or retirement.

(2) Within the first thirty days of employment, a full-time employee may apply to the board for eligibility and vesting credit for years of participation in a Nebraska governmental plan, as defined by section 414(d) of the Internal Revenue Code. During the years of participation in the other Nebraska governmental plan, the employee must have been a full-time employee. (3) Any employee who qualifies for membership in the retirement system pursuant to this section may not be disqualified for membership in the retirement system solely because such employee also maintains separate employment which qualifies the employee for membership in another public retirement system, nor may membership in this retirement system disqualify such an employee from membership in another public retirement system solely by reason of separate employment which qualifies such employee for membership in this retirement system. (4) A full-time or part-time employee of a city, village, or township who becomes a county employee pursuant to a merger of services shall receive credit for his or her years of employment with the city, village, or township for purposes of the membership provisions of this section and shall receive eligibility and vesting credit for his or her years of participation in a Nebraska governmental plan, as defined by section 414(d) of the Internal Revenue Code, of the city, village, or township.

STATUTE: 23-2323.03

HEADING: Chapter 23. County Government and Officers.

SUBJECT: Retirement system; accept payments and rollovers; limitations; board; duties.

(1) The retirement system may accept cash rollover contributions from a member who is making payment pursuant to section 23-2306.02, 23-2320, or 23-2323.01 if the contributions do not exceed the amount authorized to be paid by the member pursuant to section 23-2306.02, 23-2320, or 23-2323.01, and the contributions represent (a) all or any portion of the balance of the member's interest in a qualified trust under section 401(a) of the Internal Revenue Code or (b) the interest of the member from an individual retirement account or an individual retirement annuity, the entire amount of which is attributable to a qualified total distribution, as defined in the Internal Revenue Code, from a qualified trust under section 401(a) of the code and qualified as a tax-free rollover amount. The member's interest under subdivision (a) or (b) of this subsection must be transferred to the retirement system within sixty days from the date of the distribution from the qualified trust, individual retirement account, or individual retirement annuity. (2) Cash transferred to the retirement system as a rollover contribution shall be deposited as other payments made under section 23-2306.02, 23-2320, or 23-2323.01. (3) The retirement system may accept direct rollover distributions made from a qualified trust pursuant to section 401(a)(31) of the Internal Revenue Code. The direct rollover distribution shall be deposited as all other payments under this section. (4) The board shall adopt and promulgate rules and regulations defining procedures for acceptance of rollovers which are consistent with sections 401(a)(31) and 402 of the Internal Revenue Code.

STATUTE: 23-2331

HEADING: Chapter 23. County Government and Officers.

SUBJECT: Act, how cited.

Sections 23-2301 to 23-2332 shall be known and may be cited as the County Employees Retirement Act.

Chapter 28 Crimes and Punishments

STATUTE: 28-807

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: Terms, defined.

As used in sections 28-807 to 28-829, unless the context otherwise requires: (1) Adult shall mean any married person or any unmarried person of the age of eighteen years or older; (2)

Commercial film and photographic print processor shall mean any person who for compensation develops exposed photographic film into negatives, slides, or prints or who for compensation makes prints from negatives or slides. The term shall include, but not be limited to, any employee of such a person but shall not include employees of law enforcement agencies and prosecuting attorneys involved in the investigation and prosecution of criminal offenses or to persons involved in legitimate medical, scientific, or educational activities; (3) Distribute shall mean to transfer possession, whether with or without consideration, by any means; (4) Disseminate shall mean to manufacture, issue, publish, sell, lend, distribute, transmit, exhibit, or present materials or to offer in person or through an agent or by placing an advertisement for the same, whether with or without consideration, or agree to do the same; (5) Knowingly shall mean having general knowledge of, reason to know, or a belief or reasonable ground for belief which warrants further inspection or inquiry of the character and content of any material, taken as a whole, described in this section, which is reasonably susceptible to examination by the defendant;

(6) Harmful to minors shall mean that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it (a) predominantly appeals to the prurient, shameful, or morbid interest of minors, (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and (c) is lacking in serious literary, artistic, political, or scientific value for minors; (7) Material or work shall mean any book, magazine, newspaper, comic book, pamphlet, or other printed or written material or any picture, drawing, photograph, figure, image, motion picture, whether or not positive or negative exhibited or screened, play, nightclub, live performance, television production, other pictorial representation or electric reproduction, recording transcription, mechanical or otherwise, or other articles, equipment, machines, or materials; (8) Minor shall mean any unmarried person under the age of eighteen years; (9) Nudity shall mean the showing of the human, post-pubertal male or female genitals, pubic area, or buttocks with less than a full opaque covering, the depiction of covered male genitals in a discernibly turgid state, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; (10) Obscene shall mean (a) that an average person applying contemporary community standards would find that the work, material, conduct, or live performance taken as a whole predominantly appeals to the prurient interest or a shameful or morbid interest in nudity, sex, or excretion, (b) the work, material, conduct, or live performance depicts or describes in a patently offensive way sexual conduct specifically set out in sections 28-807 to 28-829, and (c) the work, conduct, material, or live performance taken as a whole lacks serious literary, artistic, political, or scientific value; (11) Place shall mean any building, structure, or place or any separate part or portion thereof or the ground itself; (12) Person shall mean any individual, partnership, limited liability company, firm, association, corporation, trustee, lessee, agent, assignee, or other legal entity; (13) Performance, whether with or without consideration, shall mean any play, motion picture, dance, or other exhibition performed before an audience; (14) Promote shall mean to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or place an order for advertising or to knowingly offer in person or through an agent or agree to do the same; (15) Sexual conduct shall mean acts of masturbation, homosexuality, sodomy, sexual intercourse, or prolonged physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks or, if such person is female, breast; (16) Sexual excitement shall mean the condition of human male or female genitals when in a state of sexual stimulation or arousal; and (17)

Sadomasochistic abuse shall mean flagellation or torture by or upon a nude person or a person clad in undergarments, a mask, or a bizarre costume or the condition of being fettered, bound, or otherwise physically restrained when performed to predominantly appeal to the shameful or morbid interest.

STATUTE: 28-808

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: Obscene literature and material; sale to minor, unlawful; penalty.

(1) It shall be unlawful for a person knowingly to sell, deliver, distribute, display for sale, or provide to a minor or knowingly to possess with intent to sell, deliver, distribute, display for sale, or provide to a minor: (a) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body or any replica, article, or device having the appearance of either male or female genitals which predominantly pruriently, shamefully, or morbidly depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and which, taken as a whole, is harmful to minors; or (b) Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any matter enumerated in subdivision (1)(a) of this section or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse of a predominantly prurient, shameful, or morbid nature and which, taken as a whole, is harmful to minors. (2) Any person who violates this section shall be guilty of a Class I misdemeanor.

STATUTE: 28-809

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: Obscene motion picture, show, or presentation; admit minor; unlawful; penalty.

(1) It shall be unlawful for any person knowingly to exhibit to a minor or knowingly to provide to a minor an admission ticket or pass or knowingly to admit a minor to premises whereon there is exhibited a motion picture, show, or other presentation which, in whole or in part, predominantly pruriently, shamefully, or morbidly depicts nudity, sexual conduct, or sadomasochistic abuse and which, taken as a whole, is harmful to minors. (2) Any person who violates this section shall be guilty of a Class I misdemeanor.

STATUTE: 28-810

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: Prosecution; defense.

It shall be a defense to a prosecution under sections 28-808 and 28-809 that: Such person had reasonable cause to believe that the minor involved was eighteen years of age or more, and that such reasonable cause is based on but not limited to the presentation by the minor exhibited to such person of a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that such minor was eighteen years of age or more; (2) The minor was accompanied by his parent or guardian and such person had reasonable cause to believe that the person accompanying the minor was the parent or guardian of that minor; (3) Such person had reasonable cause to believe that the person was the parent or guardian of the minor; and (4) Such person's activity falls within the defenses to a prosecution contained in section 28-815.

STATUTE: 28-811

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: False representation; unlawful employment of minor; exceptions; penalty.

(1) It shall be unlawful for any minor to falsely represent to any person mentioned in section 28-808 or 28-809, or to his or her agent, that such minor is eighteen years of age or older with the intent to procure any materials set forth in section 28-808 or with the intent to procure such minor's admission to any motion picture, show, or other presentation as set forth in section 28-809. (2) It shall be unlawful for any person to knowingly make a false representation to any person mentioned in section 28-808 or 28-809, or to his or her agent, that he or she is the parent or

guardian of any minor or that any minor is eighteen years of age with the intent to procure any material set forth in section 28-808 or with the intent to procure such minor's admission to any motion picture, show, or other presentation as set forth in section 28-809. (3) It shall be unlawful for any person to hire as an employee a minor whose duties it will be to assist in any manner the sale, delivery, distribution, or exhibition of material declared obscene by sections 28-807 to 28-829, except that this section shall not apply if such minor's parents or legal guardian should consent to such employment by giving the employer a written affidavit prior to the minor's employment. (4) Any person who violates this section shall be guilty of a Class II misdemeanor.

STATUTE: 28-813

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: Obscene literature or material; prepares; distributes; promotes; penalty.

(1) It shall be unlawful for a person knowingly to (a) print, copy, manufacture, prepare, produce, or reproduce obscene material for the purpose of sale or distribution, (b) publish, circulate, sell, rent, lend, transport in interstate commerce, distribute, or exhibit any obscene material, (c) have in his or her possession with intent to sell, rent, lend, transport, or distribute any obscene material, or (d) promote any obscene material or performance. (2) It shall be unlawful for a person to place an order for any advertising promoting the sale or distribution of material represented or held out to be obscene, whether or not such material exists in fact or is obscene. In all cases in which a charge or violation of this section is brought against a person who cannot be found in this state, the executive authority of this state may demand extradition of such person from the executive authority of the state in which such person may be found. (3) A person commits an offense of promoting obscene material if knowing its content and character he or she (a) disseminates for monetary consideration any obscene material, (b) produces, presents, or directs obscene performances for monetary consideration, or (c) participates for monetary consideration in that part of a performance which makes it obscene. (4) Any person who violates this section shall be guilty of a Class I misdemeanor.

STATUTE: 28-814

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: Criminal prosecutions; trial by jury; waiver; instructions to jury; expert witness.

(1) Criminal prosecutions involving the ultimate issue of obscenity, as distinguished from the issue of probable cause, shall be tried by jury, unless the defendant shall waive a jury trial in writing or by statement in open court entered in the minutes. (2) The judge shall instruct the jury that the guidelines in determining whether a work, material, conduct, or live exhibition is obscene are: (a) The average person applying contemporary community standards would find the work taken as a whole goes substantially beyond contemporary limits of candor in description or presentation of such matters and predominantly appeals to the prurient, shameful, or morbid interest; (b) the work depicts in a patently offensive way sexual conduct specifically referred to in sections 28-807 to 28-829; (c) the work as a whole lacks serious literary, artistic, political, or scientific value; and (d) in applying these guidelines to the determination of whether or not the work, material, conduct or live exhibition is obscene, each element of each guideline must be established beyond a reasonable doubt. (3) In any proceeding, civil or criminal, under sections 28-807 to 28-829, where there is an issue as to whether or not the matter is obscene, either party shall have the right to introduce, in addition to all other relevant evidence, the testimony of expert witnesses on such issue as to any artistic, literary, scientific, political or other societal value in the determination of the issue of obscenity.

STATUTE: 28-815

HEADING: Chapter 28. Crimes and Punishments.

SUBJECT: Prosecution; defense.

It shall be a defense to a prosecution under section 28-813 that: (1) Such person's activity consists of teaching in regularly established and recognized educational institutions, galleries or

libraries, or the publication or use of standard textbooks, films, tapes or visual aids of any such institution, or the practice of licensed practitioners of medicine or of pharmacy in their regular business or profession, or the possession by established schools teaching art, or by public art galleries, or artists or models in the necessary line of their art, or to relevant references to, or accounts or portrayal of, nudity, sex, or excretion in religion, art, literature, history, science, medicine, public health, law, the judicial process, law enforcement, education, public libraries, or news reports and news pictures by any form of news media of general circulation; (2) Such person has no financial interest in an activity, product, or event entitling such person to participate in the promotion, management, proceeds, or profits of the activity, product, or event, and such person's only connection with the activity, product, or event entitles such person to a reasonable salary or wages for services actually rendered; and (3) The provisions of sections 28-807 to 28-829 with respect to the exhibition or the possession with the intent to exhibit of any obscene film shall not apply to a motion picture projectionist, usher, or ticket taker acting within the scope of his employment if such projectionist, usher, or ticket taker has no financial interest in the place wherein he is so employed. Such person shall be required to give testimony regarding such employment in all judicial proceedings brought under sections 28-807 to 28-829 when granted immunity by the trial judge.

Chapter 50

Task Force on Electronic Access to State Government Information

STATUTE: 50-117

HEADING: Chapter 50. State Officers.

SUBJECT: Electronic access to public records; Task Force on Electronic Access to State Government Information; created; members; duties; report; termination.

(1) The Task Force on Electronic Access to State Government Information is created. The task force shall consist of the following members: (a) The chairperson of the Executive Board of the Legislative Council; (b) The Speaker of the Legislature; (c) The chairperson of the Government, Military and Veterans Affairs Committee of the Legislature; (d) The chairperson of the Transportation Committee of the Legislature; (e) Three members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council; (f) The Secretary of State; and (g) Three members appointed by the Governor under subsection (2) of this section. (2) The task force shall include the following members appointed by the Governor: (a) One representative appointed by the Governor to be broadly representative of banking, insurance, and law groups; (b) One representative appointed by the Governor to be broadly representative of libraries, consumer groups, and the general public; and (c) One representative appointed by the Governor to represent agencies of the executive branch of government. (3) The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The members shall be appointed within twenty days after June 7, 1997. (4) The task force shall investigate current statutes and practices by state and local government regarding distribution of public records. The investigation shall include, but not be limited to: (a) Convening public meetings as determined by the chairperson of the task force for input from the general public and individuals knowledgeable in areas related to electronic access to information; (b) An assessment of current statutes and practices by state agencies regarding distribution of public records in any medium, including fees charged for copies, whether electronic or other forms of distribution; (c) An assessment of current practices by state agencies regarding the decision to make or not make public records available in a certain medium, whether such decisions have resulted in certain public records being distributed in limited formats and the rationale, if any, for such decisions, whether and in what circumstances access to public records in certain formats has been denied, and whether barriers to agencies exist which discourage agencies from providing public records in a variety of mediums; (d) A comparative review of other states; and (e) A comprehensive review of access to public records. The task force shall provide a written report by December 1, 1997, to the Legislature which includes recommendations for any changes to state law that are necessary based on its findings. (5) The task force shall cease to exist on December 31, 1997.

Chapter 51 Libraries and Museums

STATUTE: 51-101

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: State Library; what constitutes.

The books, pamphlets, maps and charts belonging to the state, now in the State Library, or which shall hereafter be added to the same, shall constitute the State Library.

STATUTE: 51-102

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: State Library; librarian.

The Clerk of the Supreme Court shall have the charge of the State Library, of which he shall be librarian.

STATUTE: 51-103

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: State Library; directors; powers.

The judges of the Supreme Court shall constitute a board of directors of the State Library. They shall have power to make such rules as they may deem proper, not inconsistent with sections 51-101 to 51-109, for the regulation of the library under their direction, and may prescribe penalties for any violation thereof, which shall be collected in the same manner as for the non-return or injury of any books.

STATUTE: 51-104

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Book register; entries.

The librarian shall cause to be kept a register of all books issued and returned at the time they shall be so issued and returned. None of the books, except the laws, journals, and reports of this state, which may be taken from the library, shall be detained more than ten days, and all the books taken out by officers or members of the Legislature shall be returned at the close of the session.

STATUTE: 51-105

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Books; injury or failure to return; penalty.

If any person injures or fails to return any book taken from the library, he shall forfeit and pay to the librarian for the use of the library, double the value of the book, or of the set to which it belongs, if a set is broken by its loss, to be recovered in an action in the name of the state. Before the Director of Administrative Services shall issue his warrant in favor of any person authorized to take books from the library, for the value of his services or amount of his salary, he shall be satisfied that such person has returned all books taken from the library, or settled for the same; otherwise he shall deduct all accounts for the detention or injury of such books.

STATUTE: 51-107

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Books; labeling.

It shall be the duty of the librarian to cause each book to be labeled with a printed or stamped label containing the words Nebraska State Library, and also to write the same words on the thirtieth page of each volume.

STATUTE: 51-108

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Books; sale, exchange, disposal; authorization.

The directors may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the library and surplus or obsolete books, reports, or pamphlets which are for sale or distribution by the librarian.

STATUTE: 51-109

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Books; removal; penalty.

If any person not authorized by the regulations made by the directors shall take a book from the library, either with or without the consent of the librarian, he shall be guilty of a Class V misdemeanor.

STATUTE: 51-201

HEADING: Chapter 51. Libraries and Museums

SUBJECT: (Operative date July 1, 1998.) Public libraries; establishment; tax; amount authorized; limitation; library fund; county library; election required; merger authorized.

The city council of any city, the board of trustees of any incorporated village, the county board of any county, and the electors of any township at their annual town meeting shall have the power to establish a public library free of charge for the use of the inhabitants of such city, village, county, or township. Any such council, board, or electors may also contract for the use of a public library already established and may levy a tax of not more than ten and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such city, village, county, or township annually to be levied and collected in like manner as other taxes in such city, village, county, or township, except that when any county discontinues township organization, the county shall levy and collect a tax of not more than ten and five-tenths cents on each one hundred dollars for such public library. On and after July 1, 1998, the levy shall be subject to section 77-3443. The amount collected from such levy shall be known as the library fund. Before establishing a county library, the county board shall submit the question to the voters of the county at a general election pursuant to section 32-559, including only incorporated and unincorporated areas which do not have a public library, and a majority of the voters voting on the question of whether to establish a county library shall authorize the establishment of such county library and the levying of the tax. A city, village, or township within the county that has a public library may merge with the county library, if established, upon a majority vote pursuant to section 51-201.04. When such questions are submitted and carried, the county board shall include the county library in its next succeeding estimate and levy. Such submission shall not be required when the board levies a tax for the purpose of contracting for use of a library already established. When the county board makes a levy for a county library or for the purpose of contracting for use of a public library already established, the county board shall omit from the levy of the library tax all property within the limits of any city, village, or township in such county which already maintains a library by public tax unless the voters of the city, village, or township have voted to merge with the county library. The method of merger of libraries provided in this section and sections 51-201.03 to 51-201.07 shall not be construed as the exclusive way to merge libraries or library facilities. Nothing in such sections shall prohibit a county, city, village, or township from entering into an agreement pursuant to the Interlocal Cooperation Act relating to library services.

STATUTE: 51-201.01

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Terms, defined.

For purposes of sections 51-201 to 51-219:

- (1) Basic services shall include, but not be limited to, free loan of circulating print and nonprint materials from the local collection and general reference and information services; and
- (2) Non-basic services shall include, but not be limited to, use of:

- (a) Photocopying equipment;
- (b) Telephones, facsimile equipment, and other telecommunications equipment;
- (c) Media equipment;
- (d) Personal computers; and
- (e) Videocassette recording and playing equipment.

STATUTE: 51-201.02

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Legislative findings.

The Legislature finds and declares that public libraries perform services which are vitally important for the maintenance of an educated and democratic society, including, but not limited to, providing information which stimulates thought, awareness, and involvement in issues of public interest and providing avenues for intellectual and cultural growth and enjoyment. The Legislature further finds that an educated and culturally aware society is increasingly important in an economy in which Nebraskans must compete on a global scale. It is the intent of the Legislature that Nebraskans will help lead the nation into the world of the twenty-first century.

STATUTE: 51-201.03

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: County library; petition to establish; procedure; election.

(1) The registered voters of the incorporated and unincorporated areas of a county which do not have a public library may file an initiative petition with the county board requesting the establishment of a county library. The petition shall be filed by July 31 prior to a statewide general election. Signatures gathered before the last statewide general election shall not be counted. An initiative petition shall conform to the requirements of section 32-628. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The county board shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures shall be ten percent of the voters registered at the last statewide general election in the incorporated and unincorporated areas of the county which do not have a public library. The election commissioner or county clerk shall notify the county board within thirty days after receiving the petitions from the county board whether the required number of signatures has been gathered. (2) If the county board determines that the petitions are in proper form and signed by the necessary number of registered voters, the county board shall notify the governing body and library board of each incorporated area within the county within ten days after such determination and shall publish in a newspaper of general circulation in the county that the registered voters of the unincorporated area of the county and of the incorporated areas which do not have a public library will be asked to vote on the issue at the next statewide general election and shall submit the question of whether to establish a county library to the voters as required in section 51-201.

STATUTE: 51-201.04

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: County board; notice required; library merger; procedure; election.

(1) At the time the county board decides to hold an election pursuant to section 51-201 on the question of establishing a public library, the county board shall notify the governing body and library board of each incorporated area within the county and shall publish in a newspaper of general circulation in the county that the registered voters of the unincorporated area of the county and of the incorporated areas which do not have a public library will be asked to vote on the issue at the next statewide general election. The notice shall be delivered and publication shall occur prior to June 1 before the election. (2) If a city council, village board, or township board of a city, village, or township that has a public library and the library board, if one exists, of the city, village, or township both adopt a resolution indicating that they desire to merge the city, village, or

township library with the county library if established and notify the county board by filing the resolutions with the county clerk by August 25, the county board shall submit the question of merger to the voters of the city, village, or township at the same time as the election pursuant to section 51-201. (3) The registered voters of a city, village, or township that has a public library may file an initiative petition with the county board to require the issue of merger to be on the ballot in the city, village, or township. The petition shall be filed by July 31 prior to the statewide general election at which the issue would be on the ballot. Signatures gathered before the last statewide general election shall not be counted. An initiative petition shall conform to the requirements of section 32-628. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The county board shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures shall be ten percent of the voters registered in the city, village, or township at the last statewide general election. The election commissioner or county clerk shall notify the county board within thirty days after receiving the petitions from the county board whether the required number of signatures has been gathered. If the county board determines that the petitions are in proper form and signed by the necessary number of registered voters, the county board shall submit the question of whether to merge with the county library, if established, to the voters at the same time as the election pursuant to section 51-201.

STATUTE: 51-201.05

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Merger of county and municipal libraries; procedure.

In a county that has an established county library, if a city council, village board, or township board of a city, village, or township that has a public library and the library board, if one exists, of the city, village, or township both adopt a resolution indicating that such city, village, or township library desires to merge with the established county library, they shall notify the county board by filing the resolutions with the county clerk. After such notification, the city, village, or township library shall be a part of the county library as provided in section 51-201.06 and its residents shall be entitled to the benefits of the county library, and the property within such city, village, or township library shall be liable to taxes levied for county library purposes. At least once a week for two successive weeks prior to adopting such resolution, the city council, village board, or township board and library board shall publish notice of such proposed resolution and the date and the place of the meeting at which such resolution is proposed to be adopted, in a newspaper designated by the council or board and published in or of general circulation in such city, village, or township.

STATUTE: 51-201.06

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Merger; transfer of assets and employees.

If a city, village, or township library merges with a county library under sections 51-201 to 51-219, (1) all assets shall be transferred to the county library, (2) all employees of the city, village, or township library shall be transferred to the county and shall receive at least the same or comparable salaries, sick leave, vacation leave, health benefits, retirement benefits, and other benefits as provided by the city, village, or township, and (3) a plan shall be established for the repayment of any bonded indebtedness or other debt of the city, village, or township existing at the time of the merger, including, but not limited to, the payment of the debt, the establishment of a sinking fund, and the issuance of bonds by the county. The city council, village board, or township board and the county board shall enter into a merger agreement consistent with this section setting the date for the merger to take effect which shall not be more than one year after an election or after the notification to the county board under section 51-201.05. If the parties cannot agree within one year after the election or notification, any party may bring an action in the district court and the district court shall determine the conditions of the transfer of assets and employees and the plan for payment of indebtedness.

STATUTE: 51-202

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: City or village library; library board; members; elected or appointed; terms; vacancies, how filled.

(1) When any city council or village board decides by ordinance to establish and maintain a public library and reading room under sections 51-201 to 51-219, the city council or village board shall establish a library board. The library board shall have at least five members. Neither the mayor nor any member of the city council or village board shall be a member of the library board. Except as otherwise provided in subsection (2) of this section, the city council or village board shall by ordinance determine the number of members, whether the members are elected or appointed, and the length of the terms of the members. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and the city council or village board shall provide for the appointment or election of their successors. In cases of vacancies by resignation, removal, or otherwise, the city council or village board shall fill such vacancy for the unexpired term. No member shall receive any pay or compensation for any services rendered as a member of the board. (2) If the city council or village board by ordinance provides for appointment of the members to the library board, such library board members shall be appointed by a majority vote of the members of the city council or village board. If an interlocal agreement, a memorandum of understanding, or any other contractual agreement between the city or village and another political subdivision providing for library services allows representation from the other political subdivision on the library board from outside the city or village, the governing board of the other political subdivision may appoint one or more members to the library board as provided in the interlocal agreement, memorandum of understanding, or other contractual agreement. (3) If the city council or village board adopts an ordinance to provide for the election of library board members at municipal elections in April, it shall follow the statutes governing municipal elections. If the municipal election is to be held in conjunction with the statewide primary election, the election shall be held as provided in the Election Act. If the board members are to be elected, the city council or village board shall give public notice of such election after the adoption of such ordinance naming the offices to be filled, the length of terms, and the filing deadline for the placing of names of candidates on the ballot.

STATUTE: 51-202.07

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Withdrawal of municipal library from county library system; procedure.

If the city council, village board, or township board and library board, if one exists, both adopt a resolution indicating that such city, village, or township library no longer desires to be a part of the county library system and notify the county board by filing the resolutions with the county clerk, the county board shall submit the question to the voters of the city, village, or township at the next statewide general election. If a majority of the voters voting on the issue vote to withdraw from the county library, then beginning on January 1 following the election, the city, village, or township shall cease to be entitled to the benefits of such county library and the property situated in such city, village, or township library shall not be liable for taxes levied for county library purposes. The city council, village board, or township board and the county board shall enter into a dissolution agreement to provide for the disposition of assets, indebtedness, and employees. If the parties cannot agree within one year after the election, either party may bring an action in the district court and the district court shall determine the disposition of assets, indebtedness, and employees.

STATUTE: 51-203

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: County or township library; board; members; election or appointment; terms; vacancies; how filled.

When the county board of any county or the electors of any township vote to establish and maintain a public library, the county board or the township board shall establish a library board. The library board shall have at least five members. No member of the county board or township board shall be a member of the library board. The county board or township board shall determine by resolution the number of members, whether the members are elected or appointed, and the length of the terms of the members. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and the county board or township board shall provide for the appointment or election of their successors. Such county or township board shall have the power to fill for the unexpired term any vacancy which may occur in the county or township library board. No member shall receive any pay or compensation for any services rendered as a member of such board. If the county board or township board provides for appointment of the members to the library board, such library board members shall be appointed by a majority vote of the members of the county board or township board. If the county board or township board provides for the election of library board members, the election shall be held in conjunction with the statewide primary election as provided in the Election Act and the county board or township board shall give public notice of such election after the adoption of such resolution naming the offices to be filled, the length of terms, and the filing deadline for the placing of names of candidates on the ballot.

STATUTE: 51-204

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; organization; officers; quorum.

The members of any city, village, county, or township library board shall immediately after their appointment meet and organize by electing from their number a president, secretary, and such other officers as may be necessary. A majority of the members of a city, village, county, or township library board shall constitute a quorum for the transaction of business.

STATUTE: 51-205

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; bylaws, rules, and regulations.

The library board shall have the power to make and adopt such bylaws, rules and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with sections 51-201 to 51-219.

STATUTE: 51-206

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; mortgages; release or renewal.

The president shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of such library board. The signature of the president on any such release shall be authenticated by the secretary of the board. The president and secretary in like manner, upon resolution duly passed and adopted by the board, may renew any such mortgage.

STATUTE: 51-207

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; funds; buildings; custody and control.

The library board shall have exclusive control of expenditures, of all money collected or donated to the credit of the library fund, of the renting and construction of any library building, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose.

STATUTE: 51-208

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; use of library for city or school purposes; contracts.

The library board of any public library may contract with the city council of any city, with the trustees of any incorporated village, with the county board of the county in which such library is located or of any adjacent county, or with the directors of any school district, to furnish the use and privilege of its library to the inhabitants of such city, village, county, township or school district, to the extent and upon such terms as may be agreed upon.

STATUTE: 51-209

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Public library; funds; disbursements; sinking fund; bonds.

All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of any public library shall be kept for the use of the library separate and apart from all other funds of the city, village, county, or township, shall be drawn upon and paid out by the treasurer of such city, village, county, or township upon vouchers signed by the president of the library board and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner. The city, village, county, or township may establish a public library sinking fund for major capital expenditures. The county may issue bonds for library purposes pursuant to Chapter 10.

STATUTE: 51-210

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; building sites; acquisition; procedure.

Every library board created under sections 51-201 to 51-219 shall have power to purchase or lease grounds, to exercise the power of eminent domain, and to condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

STATUTE: 51-211

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; general powers and duties; discrimination prohibited.

(1) The library board shall have the power to erect, lease, or occupy an appropriate building for the use of such library and to appoint a suitable librarian and assistants, to fix their compensation, and to remove such appointees at pleasure. It shall have the power to establish rules and regulations for the government of such library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. It shall have the power to fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation and to fix and impose reasonable fees, not to exceed the library's actual cost, for non-basic services. The board shall have and exercise such power as may be necessary to carry out the spirit and intent of sections 51-201 to 51-219 in establishing and maintaining a public library and reading room. (2) The public library shall make its basic services available without charge to all residents of the political subdivision which supplies its tax support. (3) No service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status.

STATUTE: 51-212

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Public library; use and purpose.

Except as provided in section 51-211, every library and reading room supported by public tax shall be forever free to the use of the inhabitants of the city, village, county, or township maintaining such library, subject always to such reasonable regulations as the library board may adopt to render such library of the greatest use to the inhabitants of the city, village, county, or township.

The board may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

STATUTE: 51-213

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Library board; annual report; contents.

The library board shall, on or before the second Monday in June in each year, make a report to the city council or village board or to the county or township board of the condition of its trust on June 1 of such year, showing all money received or expended; the number of books and periodicals on hand; newspapers and current literature subscribed for or donated to the reading room; the number of books and periodicals ordered by purchase, gift, or otherwise obtained during the year, and the number lost or missing; the number of and character of books loaned or issued, with such statistics, information and suggestions as it may deem of general interest, or as the city council, village, county or township board may require, which report shall be verified by affidavit of the proper officers of such board.

STATUTE: 51-214

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Penalties; action to recover; disposition of funds collected.

Penalties imposed or accruing by any bylaw or regulation of the library board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the library board of the city, village, county, or township. Money, other than any court costs and attorney's fees, collected in such actions shall be forthwith placed in the treasury of the city, village, township, or county to the credit of the city, village, township, or county library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the city, village, or county and credited to the budget of the city, village, or county attorney's office. All attorney's fees collected on behalf of a township shall be paid over to the county treasury and credited to the budget of the county attorney's office.

STATUTE: 51-215

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Public library; donations; library board may accept.

Any person may make donation of money, lands or other property for the benefit of any public library. The title to property so donated may be made to and shall vest in the library board of such library and their successors in office, and the board shall thereby become the owners thereof in trust to the uses of the public library of the city, village, township or county.

STATUTE: 51-216

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Real estate; sale and conveyance; conditions; remonstrance; procedure.

The library board may, by resolution, direct the sale and conveyance of any real estate owned by the library board or by the public library, which is not used for library purposes, or of any real estate so donated or devised to the library board or to the public library upon such terms as the library board may deem best. Before any such sale is made the library board shall advertise such sale once each week for three consecutive weeks in a legal newspaper published or, if none is published, of general circulation in the city, village, township, or county in which the public library is situated, and such notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If such bid or bids have not been rejected, then the real estate shall be sold to the highest bidder for cash, and the chairperson of the library board, upon resolution of the library board directing him or her so to do, shall convey such real estate to the purchaser of such real estate upon his or her payment of his or her bid. If within thirty days after the third publication of such notice a remonstrance against such sale is signed by thirty percent of the registered voters of such city, village, township, or county voting at the last regular city, village, or county election and is filed with the governing body of such city,

village, township, or county, such property shall not then, nor within one year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

STATUTE: 51-217

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Public library; use by school districts.

Any school district may in its discretion at its annual meeting, by a majority vote, authorize the school board to contract for the use of a public library by the inhabitants of such district.

STATUTE: 51-218

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Public library; property; exemption from execution and taxation.

The property of any public library shall be exempt from execution and taxation, as is other public property.

STATUTE: 51-219

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Private and associate libraries; deposit and use; authorized; requirements.

The library board shall have power to authorize any circulating library, reading matter, or work of art belonging to any private person, association or corporation, to be deposited in the public library rooms, to be drawn or used outside of the rooms only on payment of such fee or membership as the person, corporation or association owning the same may require. Deposits may be removed by the owner thereof at pleasure, but the books or other reading matter so deposited in the rooms of any such public library shall be separately and distinctly marked and kept upon shelves apart from the books of the public city or town library. Every such private or associate library or other property so deposited in any public library, while so placed or remaining, shall, without charge, be subject to use and reading within the library room by any person who is an inhabitant of such city or town and entitled to the use of the free library.

STATUTE: 51-220

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Law library; establishment; maintenance; supervision.

The county board may, when in its discretion it shall deem it advisable, provide by purchase or otherwise for the procuring and maintaining of a suitable law library for the use of the public. Such library shall be under the supervision of the judges of the district court of the county wherein the same is located.

STATUTES 51-301 through 51-319 Repealed 1997

STATUTE: 51-401

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission; members; term.

A Nebraska Library Commission is hereby established composed of six members to be appointed by the Governor, one to serve one year, one for two years, one for three years, one for four years, and one for five years, and thereafter the Governor shall appoint a new member annually to serve for a term of three years and no person shall be appointed to more than two successive terms. The new member provided for by this section shall be appointed for an initial term of three years. The term of one of the three members whose term expires in 1981 shall expire in 1980. That member shall be selected by lot.

STATUTE: 51-402

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission; expenses; payment.

The members of the Nebraska Library Commission shall serve without pay. They shall receive remuneration for traveling and actual expenses incurred while engaged in the business of the commission as provided in sections 81-1174 to 81-1177 for state employees. These expenses shall be paid out of the funds of the Nebraska Library Commission.

STATUTE: 51-403

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission; powers and duties; director; appointment; salary.

The powers and duties of the Nebraska Library Commission shall be (1) to make rules and regulations not inconsistent with law for its government and operations, (2) to appoint a director, at a salary to be fixed by the commission, who shall be a technically trained, qualified, and experienced librarian, a graduate of an American Library Association accredited library school, to administer the work of the commission as hereinafter specified, (3) to authorize the director to employ such assistance as may be necessary to properly carry out the requirements of sections 51-401 to 51-410, (4) to be responsible for the statewide promotion, development, and coordination of library programs and services in accordance with nationally acceptable library standards, (5) to receive, as the legally designated state governmental agency, federal library funds which by federal law are to be dispersed within the state by a prescribed formula, (6) to accept and administer any gifts, bequests, and legacies which, in the opinion of the director and the commission, may be of value to it, and (7) to make a biennial report for the past two fiscal years to the Governor of its activities and the progress of its work on or before December 15 in each even-numbered year.

STATUTE: 51-403.03

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission; director; salary increase; when effective.

Section 51-403 shall be so interpreted as to effectuate its general purpose, to provide, in the public interest, adequate compensation as therein provided for the director of the Nebraska Library Commission; and to permit a change of such salary as soon as same may become operative under the Constitution of the State of Nebraska.

STATUTE: 51-404

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Director; duties.

It shall be the duty of the director of the commission (1) to administer the work and activities of the commission, (2) to purchase books, periodicals, other library materials, and all necessary equipment and supplies for the commission, (3) to keep a catalog of all books, periodicals and other library materials belonging to the commission, (4) to keep a record of all books and property added to the library of the commission, and the cost thereof, (5) to keep a record of all books, periodicals and other library materials loaned by the commission and notify the borrowers of the expiration period of the loan, and (6) to keep fiscal and other operational records in accordance with state regulations.

STATUTE: 51-405

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Local libraries, agencies, or organizations; entitled to services, when.

Any library, governmental agency, or any body of citizens or taxpayers organized for library purposes shall, upon complying with the rules prescribed by the Nebraska Library Commission, be entitled to the commission's services.

STATUTE: 51-406

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Books; loans to libraries.

Any books, collection of books or other property of the Nebraska Library Commission may be loaned to any library, under such rules for the safekeeping, preservation, care, handling and management of the same as may be fixed by the Nebraska Library Commission.

STATUTE: 51-407

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission; reports from all libraries required.

The director shall each year obtain from all libraries in the state reports showing the conditions, growth, development and manner of conducting such libraries, together with such other facts and statistics regarding the same as may be deemed of public interest by the Nebraska Library Commission.

STATUTE: 51-408

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission; assistance to local libraries.

The director shall when asked give advice and instruction to all libraries or individuals and to all communities which may propose to establish libraries as to the best means for establishing, organizing and administering such libraries, selecting and cataloging books, and other duties of library management. The director shall, so far as possible, promote and assist by counsel and encouragement the formation of libraries where none exist, and the director may send one of his employees or assistants to aid in organizing new libraries or improving those already established.

STATUTE: 51-410

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission; disbursements; power of director.

The director may from time to time as needed draw a voucher signed by himself in favor of any party to whom money is due, stating in such voucher what the money is to be used for. Upon presentation of such order the Director of Administrative Services shall draw his warrant upon the State Treasurer for the amount thereof, not exceeding the amount of the appropriation for the purposes of the Nebraska Library Commission.

STATUTE: 51-410.01

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Library Commission Cash Fund; created; how funded.

There is hereby created a fund to be known as the Nebraska Library Commission Cash Fund, from which shall be appropriated such amounts as are available and as shall be considered incident to the administration of the Nebraska Library Commission. All funds received by the Nebraska Library Commission for services rendered shall be paid into the state treasury and the State Treasurer shall credit the money to the Nebraska Library Commission Cash Fund.

Nebraska Publications Clearinghouse

STATUTE: 51-411

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Terms, defined.

As used in sections 51-411 to 51-418, unless the context otherwise requires:

(1) Print shall include all forms of printing and duplicating, regardless of format or purpose, with the exception of correspondence and interoffice memoranda; (2) State publications shall include any multiply produced publications printed or purchased for distribution by the state, the

Legislature, constitutional officers, any state department or committee, or any other state agency supported wholly or in part by state funds; (3) State agency shall include every state office, officer, department, division, bureau, board, commission, and agency of the state and, when applicable, all subdivisions of each, including state institutions of higher education defined as all state-supported colleges and universities; and (4) Governmental publications shall include any publications of associations, regional organizations, intergovernmental bodies, federal agencies, boards, and commissions, or other publishers that may contribute supplementary materials to support the work of the state Legislature and state agencies.

STATUTE: 51-412

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Nebraska Publications Clearinghouse; created; duties; rules and regulations.

There is hereby created, as a division of the Nebraska Library Commission, a Nebraska Publications Clearinghouse. The clearinghouse shall establish and operate a publications collection and depository system for the use of Nebraska citizens. To this end, the Nebraska Library Commission shall adopt and promulgate such rules and regulations as shall be necessary to carry out sections 51-411 to 51-418.

STATUTE: 51-413

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: State agencies; publications; filing with Nebraska Publications Clearinghouse.

Every state agency head or his or her appointed records officer shall notify the Nebraska Publications Clearinghouse of his or her identity. The records officer shall upon release of a state publication deposit four copies and a short summary, including author, title, and subject, of each of its state publications with the Nebraska Publications Clearinghouse for record purposes. One of these copies shall be forwarded by the clearinghouse to the Nebraska State Historical Society for archival purposes and one to the Library of Congress. Additional copies, including sale items, shall also be deposited in the Nebraska Publications Clearinghouse in quantities certified to the agencies by the clearinghouse as required to meet the needs of the Nebraska publications depository system, with the exception that the University of Nebraska Press shall only be required to deposit four copies of its publications.

STATUTE: 51-414

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Depository contracts; standards; establish.

The Nebraska Publications Clearinghouse may enter into depository contracts with any municipal or county public library, state college or state university library, and out-of-state research libraries. The requirements for eligibility to contract as a depository library shall be established by the Nebraska Publications Clearinghouse. The standards shall include and take into consideration the type of library, ability to preserve such publications and to make them available for public use, and also such geographical locations as will make the publications conveniently accessible to residents in all areas of the state.

STATUTE: 51-415

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Official list of publications; publish; contents.

The Nebraska Publications Clearinghouse shall publish and distribute regularly to contracting depository libraries, other libraries, state agencies and legislators, an official list of state publications with an annual cumulation. The official list shall provide a record of each agency's publishing and show author, agency, title and subject approaches.

STATUTE: 51-416

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Current state publications; furnish.

Upon request by the Nebraska Publications Clearinghouse, records officers of state agencies shall furnish the clearinghouse with a complete list of their current state publications.

STATUTE: 51-417

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Distribution of state publications; restriction.

The Nebraska Publications Clearinghouse shall not engage in general public distribution of either state publications or lists of publications. Sections 51-411 to 51-418 shall not affect the distribution of state publications distributed by state agencies, except that the agencies shall deposit in the Nebraska Publications Clearinghouse the number of copies of each of their state publications certified by the clearinghouse.

STATUTE: 51-418

HEADING: Chapter 51. Libraries and Museums.

SUBJECT: Interlibrary loan service; provide.

The Nebraska Publications Clearinghouse shall provide access to local, state, federal and other governmental publications to state agencies and legislators and through interlibrary loan service to citizens of the state.

Chapter 81 Public Lands, Buildings, and Funds

STATUTE: 81-5,147

HEADING: Chapter 81. State Administrative Departments.

SUBJECT: Buildings and facilities; standards, specifications, and exclusions; adoption.

The State Fire Marshal, with the advice of the Accessibility Advisory Committee, shall adopt and promulgate standards, specifications, and exclusions which are consistent with the most current uniform guidelines and standards set by the federal Americans with Disabilities Act of 1990, as amended, for (1) buildings and facilities which are newly constructed for first occupancy and (2) alterations of existing buildings and facilities used by the public. For purposes of this section, alterations of an existing building or facility used by the public shall include remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangements in the plan or configuration of the height of walls or partitions. Normal maintenance, re-roofing, painting, wallpapering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations.

STATUTE: 81-5,148

HEADING: Chapter 81. State Administrative Departments.

SUBJECT: Enforcement of standards and specifications; responsibility; failure to comply; effect.

The responsibility for enforcement of the standards and specifications adopted pursuant to section 81-5,147 for (1) buildings and facilities which are newly constructed for first occupancy and (2) alterations of existing buildings and facilities used by the public shall lie with the State Fire Marshal or the appropriate officials of the governing bodies of the state government and its political subdivisions responsible for the review and approval of the building plans. When plans are being reviewed for both building code and fire code regulations, the officials responsible for building code review shall be responsible for enforcement of such section. When plans are being reviewed solely for fire code regulations, the State Fire Marshal or his or her designee shall be responsible for enforcement of such section. No official of any governing body of the state government or its political subdivisions responsible for such enforcement shall approve or authorize an occupancy permit unless such building or facility complies with the standards and specifications prescribed by such section. Any unauthorized departure from the standards and specifications established by the State Fire Marshal pursuant to such section may be corrected by full compliance with such standards and specifications within one hundred twenty days after discovery of such departure. Failure to correct an unauthorized departure from such standards and specifications shall result in denial or revocation of the occupancy permit for the building or facility.

STATUTE: 81-5,149

HEADING: Chapter 81. State Administrative Departments.

SUBJECT: Accessibility Advisory Committee; established; members; appointment; terms.

(1) For purposes of providing, in an advisory capacity only, technical assistance to the State Fire Marshal (a) to aid in establishing standards and specifications in accordance with the Accessibility Guidelines of the federal Americans with Disabilities Act of 1990, as amended, for (i) buildings and facilities which are newly constructed for first occupancy and (ii) alterations of existing buildings and facilities used by the public and (b) on individual cases of accessibility problems arising under the standards and specifications established pursuant to section 81-5,147, and any other advice the State Fire Marshal deems necessary to carry out his or her duties pursuant to such act or

section, there is hereby established the Accessibility Advisory Committee composed of ten members. (2) The committee shall consist of the following members who shall be skilled and knowledgeable in the area of accessibility standards and functional disability limitations: (a) An architect, (b) the state building administrator or his or her authorized representative, (c) a construction contractor, (d) four persons with a disability in one of each of the following categories: (i) Vision; (ii) hearing; (iii) cognitive; and (iv) mobility, (e) two persons responsible for local building code enforcement, one from a community of less than fifty thousand inhabitants and one from a community of fifty thousand inhabitants or more, and (f) one person experienced in real property management. The members shall be appointed by the Governor within thirty days after September 9, 1993. The members shall serve for terms of four years, except that of the members first appointed, the architect and two of the persons with a disability shall serve for terms of three years and the other two persons with a disability shall serve for terms of two years. As the term of each member expires, a successor shall be appointed from the same category as the person whose term expired for a term of four years.

STATUTE: 81-5,150

HEADING: Chapter 81. State Administrative Departments.

SUBJECT: Accessibility Advisory Committee; organization; officers; rules; vacancies; expenses; meetings; quorum.

The Accessibility Advisory Committee shall organize by selecting a chairperson and such other officer or officers as it may deem necessary and shall establish rules to govern its procedures. Any vacancy occurring in the committee shall be filled in the manner in which original appointments are made. Any person so named to fill a vacancy shall have the same qualifications as his or her immediate predecessor. No person shall receive any compensation for service rendered as a member of such committee but shall be reimbursed for his or her actual and necessary expenses as provided in sections 81-1174 to 81-1177. The committee shall meet at such times as the business of such committee shall require and at such place as may be established by its chairperson. Six members shall constitute a quorum for the transaction of business.

Chapter 84 State Officers

STATUTE: 84-304

HEADING: Chapter 84. State Officers.

SUBJECT: Auditor; powers and duties; assistant deputies; qualifications; duties.

It shall be the duty of the Auditor of Public Accounts: . . . (3)(a) To examine or cause to be examined, at such time as he or she shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, the state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, (b) to examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by the political subdivision, the books, accounts, vouchers, records and expenditures of . . . county or municipal library, . . . and (c) to report promptly to the Director of Administrative Services and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts. . . .4) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The Auditor of Public Accounts may contract with any political subdivision to perform the audit of such political subdivision required by or provided for in section 23-1608 or 79-1229 or this section and charge the political subdivision for conducting the audit. The fees charged by the auditor for conducting audits on a contractual basis shall be in an amount sufficient to pay the cost of the audit. The fees remitted to the auditor for such audits and services shall be deposited in the Auditor of Public Accounts Cash Fund. All the audits and examinations conducted by the Auditor of Public Accounts shall be conducted in a timely manner and in accordance with the standards for audits of governmental organizations, programs, activities, and functions published by the Comptroller General of the United States.

STATUTE: 84-712.05

HEADING: Chapter 84. State Officers.

SUBJECT: Records which may be withheld from the public; enumerated.

The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records: . . . (7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;. . . (10) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;. . . (12) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect the site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act; and Records or portions of records kept by public bodies which maintain collections of archaeological, historical, or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human

Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act.

Records Management Act

STATUTE: 84-1201

HEADING: Chapter 84. State Officers.

SUBJECT: Legislative intent.

The Legislature declares that:

- (1) Programs for the systematic and centrally correlated management of state and local records will promote efficiency and economy in the day-to-day record-keeping activities of state and local governments and will facilitate and expedite governmental operations;
- (2) Records containing information essential to the operations of government, and to the protection of the rights and interests of persons, must be safeguarded against the destructive effects of all forms of disaster and must be available as needed; wherefore it is necessary to adopt special provisions for the selection and preservation of essential state and local records, thereby insuring the protection and availability of such information;
- (3) The increasing availability and use of computers is creating a growing demand for electronic access to public records, and agencies should use new technology to enhance public access to public records;
- (4) There must be public accountability in the process of collecting, sharing, disseminating, and accessing public records;
- (5) The Legislature has oversight responsibility for the process of collecting, sharing, disseminating, and providing access, including electronic access, to public records and establishing fees for disseminating and providing access;
- (6) Several state agencies, individually and collectively, are providing electronic access to public records through various means, including gateways; and
- (7) There is a need for a uniform policy regarding the management, operation, and oversight of systems providing electronic access to public records.

STATUTE: 84-1202

HEADING: Chapter 84. State Officers.

SUBJECT: Terms, defined.

For purposes of the Records Management Act, unless the context otherwise requires:

- (1) Agency means any department, division, office, commission, court, board, or elected, appointed, or constitutional officer, except individual members of the Legislature, or any other unit or body, however designated, of the executive, judicial, and legislative branches of state government or of the government of any local political subdivision;
- (2) Agency head means the chief or principal official or representative in any such agency or the presiding judge of any court, by whatever title known. When an agency consists of a single official, the agency and the agency head are one and the same;
- (3) State agency means an agency of the state government;
- (4) Local agency means an agency of a local political subdivision, including any entity created by local public agencies pursuant to the Interlocal Cooperation Act;
- (5) Local political subdivision means any county, city, village, township, district, authority, or other public corporation or political entity, whether existing under charter or general law, including any entity created by local public agencies pursuant to the Interlocal Cooperation Act. Local political subdivision does not include a city of the metropolitan class or a district or other unit which by law is considered an integral part of state government;
- (6) Record means any book, document, paper, photograph, microfilm, sound recording, magnetic storage medium, optical storage medium, or other material regardless of physical form or

characteristics created or received pursuant to law, charter, or ordinance or in connection with any other activity relating to or having an effect upon the transaction of public business;

(7) State record means a record which normally is maintained within the custody or control of a state agency or any other record which is designated or treated as a state record according to general law;

(8) Local record means a record of a local political subdivision or of any agency thereof unless designated or treated as a state record under general law;

(9) Essential record means a state or local record which is within one or the other of the following categories and which shall be preserved pursuant to the Records Management Act:

(a) Category A. Records containing information necessary to the operations of government under all conditions, including a period of emergency created by a disaster; or

(b) Category B. Records not within Category A but which contain information necessary to protect the rights and interests of persons or to establish or affirm the powers and duties of state or local governments in the resumption of operations after a disaster;

(10) Preservation duplicate means a copy of an essential record which is used for the purpose of preserving the record pursuant to the act;

(11) Disaster means any occurrence of fire, flood, storm, earthquake, explosion, epidemic, riot, sabotage, or other conditions of extreme peril resulting in substantial injury or damage to persons or property within this state, whether such occurrence is caused by an act of nature or of humans, including an enemy of the United States;

(12) Administrator means the State Records Administrator;

(13) Board means the State Records Board;

(14) Electronic access means collecting, sharing, disseminating, and providing access to public records electronically;

(15) Gateway means any centralized electronic information system by which public records are provided through dial-in modem or continuous link;

(16) Public records includes all records and documents, regardless of physical form, of or belonging to this state or any agency, branch, department, board, bureau, commission, council, subunit, or committee of this state except when any other statute expressly provides that particular information or records shall not be made public. Data which is a public record in its original form shall remain a public record when maintained in computer files; and

(17) Network manager means an individual, a private entity, a state agency, or any other governmental subdivision responsible for directing and supervising the day-to-day operations and expansion of a gateway.

STATUTE: 84-1204

HEADING: Chapter 84. State Officers.

SUBJECT: State Records Board; established; members; duties; meetings.

(1) The State Records Board is hereby established. The board shall:

(a) Advise and assist the administrator in the performance of his or her duties under the Records Management Act;

(b) Provide electronic access to public records through a gateway;

(c) Develop and maintain a gateway or electronic network for accessing public records;

(d) Provide appropriate oversight of a network manager;

(e) Approve reasonable fees for electronic access to public records pursuant to sections 84-1205.02 and 84-1205.03 and submit contracts for public bidding pursuant to section 84-1205.04;

(f) Have the authority to enter into or renegotiate agreements regarding the management of the network in order to provide citizens with electronic access to public records;

(g) Explore ways and means of expanding the amount and kind of public records provided through the gateway or electronic network, increasing the utility of the public records provided and the form in which the public records are provided, expanding the base of users who access public records electronically, and, if appropriate, implementing changes necessary for such purposes;

(h) Explore technological ways and means of improving citizen and business access to public records and, if appropriate, implement the technological improvements;

- (i) Explore options of expanding the gateway or electronic network and its services to citizens and businesses; and
 - (j) Perform such other functions and duties as the act requires.
- (2) In addition to the administrator, the board shall consist of:
- (a) The Governor or his or her designee;
 - (b) The Attorney General or his or her designee;
 - (c) The Auditor of Public Accounts or his or her designee;
 - (d) The State Treasurer or his or her designee;
 - (e) The Director of Administrative Services or his or her designee;
 - (f) Three representatives appointed by the Governor to be broadly representative of banking, insurance, and law groups; and
 - (g) Three representatives appointed by the Governor to be broadly representative of libraries, the general public, and professional members of the Nebraska news media.
- (3) The administrator shall be chairperson of the board. Upon call by the administrator, the board shall convene periodically in accordance with its rules and regulations or upon call by the administrator.
- (4) Six members of the board shall constitute a quorum, and the affirmative vote of six members shall be necessary for any action to be taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.
- (5) The representatives appointed by the Governor shall serve staggered three-year terms as the Governor designates and may be appointed for one additional term. Members of the board shall be reimbursed for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

STATUTE: 84-1220

HEADING: Chapter 84. State Officers.

SUBJECT: Act, how cited.

Sections 84-1201 to 84-1227 shall be known and may be cited as the Records Management Act.

STATUTE: 84-1227

HEADING: Chapter 84. State Officers.

SUBJECT: Records Management Cash Fund; created; use; investment.

There is hereby established in the state treasury a special fund to be known as the Records Management Cash Fund which, when appropriated by the Legislature, shall be expended by the Secretary of State for the purposes of providing records management services and assistance to political subdivisions and for development and maintenance of a gateway or electronic network for accessing public records. All fees and charges for the purpose of records management services and analysis received by the Secretary of State from the political subdivisions shall be remitted to the State Treasurer for credit to such fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Public Meetings

STATUTE: 84-1409

HEADING: Chapter 84. State Officers.

SUBJECT: Terms, defined.

For purposes of sections 84-1408 to 84-1414, unless the context otherwise requires: (1) Public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b) governing bodies of all agencies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (c) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law,

(d) the Certificate of Need Review Committee, (e) 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, (f) advisory committees of the bodies referred to in subdivisions (a), (b), and (c) of this subdivision, and (g) instrumentalities exercising essentially public functions. Sections 84-1408 to 84-1414 shall not apply to (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, (ii) judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders, and (iii) meetings of the Policy Cabinet created in section 81-3009; (2) Meeting shall mean 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) Videoconferencing shall mean conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

STATUTE: 84-1410

HEADING: Chapter 84. State Officers.

SUBJECT: Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as: (a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body; (b) Discussion regarding deployment of security personnel or devices; (c) Investigative proceedings regarding allegations of criminal misconduct; or (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body. (2) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section. (3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes. (4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing sections 79-317, 84-1408 to 84-1414, or 85-104. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the

requirements of such sections. (5) Such sections shall not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

STATUTE: 84-1411

HEADING: Chapter 84. State Officers.

SUBJECT: Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing authorized; emergency meeting without notice; appearance before public body; legislative intent.

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. 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. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) 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 meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if: (a) Reasonable advance publicized notice is given; (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used; (c) At least one copy of all documents being considered is available to the public at each site of the videoconference; (d) At least one member of the state entity, advisory committee, or governing body is present at each site of the videoconference; and (e) No more than one-half of the state entity's, advisory committee's, or governing body's meetings in a calendar year are held by videoconference. Videoconferencing shall not be used to circumvent any of the public government purposes established in sections 84-1408 to 84-1414. (3) 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. (4) 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 means of electronic or telecommunication equipment. The provisions of subsection (3) 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. (5) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment. (6) It is the intent of the Legislature that on or before January 1, 1997, the Government, Military and Veterans Affairs Committee of the Legislature review the effects of subsections (2) and (5) of this section on openness of meetings, effectiveness of public access arrangements, costs and cost-savings, and any tendency observed to abuse or circumvent the open meeting provisions of sections 84-1408

to 84-1414. The committee shall develop and propose any corrective legislation it deems necessary.

STATUTE: 84-1412

HEADING: Chapter 84. State Officers.

SUBJECT: Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to sections 79-317, 84-1408 to 84-1414, and 85-104, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. (2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. (3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself. (4) No public body shall, for the purpose of circumventing sections 84-1408 to 84-1414, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state. Except as provided in section 18-2438, no public body shall hold a meeting outside the State of Nebraska. (5) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. (6) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

STATUTE: 84-1413

HEADING: Chapter 84. State Officers.

SUBJECT: Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. (2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a municipality which utilizes an electronic voting device which allows the yeas and nays of each member of the city council or village board to be readily seen by the public. (3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours. (5) Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier.

STATUTE: 84-1414

HEADING: Chapter 84. State Officers.

SUBJECT: Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of sections 79-317, 84-1408 to 84-1414, and 85-104 shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of such sections shall be voidable by the district court if the suit is commenced more than one hundred twenty days

after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action. (2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce such sections. (3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of such sections, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of such sections to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section. (4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of sections 79-317, 84-1408 to 84-1414, and 85-104 shall be guilty of a Class IV misdemeanor or a first offense and a Class III misdemeanor for a second or subsequent offense. Other laws relating to library operations In this section are cited some of the many other state statutes that have influence on libraries and library operations.

Appendix

Other Laws Relating to Library Operations

Chapter 20 Civil Rights

Individual Rights

- 20-105. Civil rights; policy of state. **Transferred 20-302. Civil rights; policy of state.**
- 20-106. Terms, defined.; **Transferred 20-310. Dwelling, defined.**
- 20-107. Unlawful acts enumerated; **Transferred 20-318. Unlawful acts enumerated.**
- 20-113. Protection of civil rights; incorporated cities; ordinances; county; resolutions; powers, jurisdiction, revocation of liquor license, when.
- 20-121. Violations; penalty; **Transferred 20-344. Violations; penalty.**
- 20-122. **Transferred to section 20-132. Full and equal enjoyment of accommodations.**
- 20-123. Intent, purpose, public policy, freedom of speech
- 20-124. Interference; restraint of freedoms; penalty.
- 20-125. Act, how cited; **Transferred 20-301. Act, how cited.**

Blind, Visually Handicapped, and otherwise Physically Disabled

- 20-126. Statement of policy.
- 20-127. Rights enumerated.
- 20-128. Pedestrian using cane, dog guide, hearing aid dog, or service dog; driver of vehicle; duties; violation; damages.
- 20-129. Denying or interfering admittance to public facilities; penalty.
- 20-130. White Cane Safety Day; proclamation; Governor issue.
- 20-131. Employment by state and political subdivisions; policy.
- 20-131.01. Full and equal enjoyment of housing accommodations; statement of Policy.
- 20-131.02. Housing accommodations, defined.
- 20-131.03. Housing accommodations; modification; not required.
- 20-131.04. Dog guide or hearing aid dog; access to housing accommodations; terms and conditions.

Public Accommodations

- 20-132. Full and equal enjoyment of accommodations.
- 20-133. Places of public accommodation, defined.
- 20-134. Discriminatory practices; violation; penalty.
- 20-135. Prohibited activities; violation; penalty.
- 20-136. Retaliation; discriminatory violation; penalty.
- 20-139. Nebraska Fair Housing Act; free speech, and public accommodations law; administered by Equal Opportunity Commission powers.
- 20-140. Unlawful discriminatory practice; complaint :filed with commission; contents; confidential, violation; penalty.
- 20-141. Failure to eliminate unlawful practice by conference, conciliation, persuasion; written notice; hearing, procedure.
- 20-142. Appeal; procedure; attorney's fees; failure to appeal; effect.
- 20-143. Violations; penalty.

Free Flow of Information Act

- 20-144. Finding by Legislature.
- 20-145. Terms, defined.
- 20-146. Procuring, gathering, writing, editing, or disseminating news or other information; not required to disclose to courts or public.
- 20-147. Act, how cited.

Civil Remedies

- 20-148. Deprivation of constitutional and statutory rights, privileges, or immunities; redress.

Local Governments Revenue Sharing

- 23-2701. Local governments; receive funds from United States government; expenditures authorized.

Chapter 48 Labor

Workmen's Compensation Law

Compensation by Action at Law, Modification of Remedies

- 48-101. Personal injury; employer's liability; compensation, when.
- 48-102. Employer's liability; negligence; action; defenses denied.
- 48-103. Employer's liability; defenses; when not available.
- 48-105. Preceding sections; application.
- 48-106. Employer; coverage of act; excepted occupations; election to provide compensation.
- 48-107. Employer's liability; employee's willful negligence; burden of proof
- 48-108. Employer's liability; claim for legal services or disbursements; lien; how established; payment

Elective Compensation General Provisions Governing Election

- 48-109. Elective compensation; schedule; duty.
- 48-110. Elective Compensation; liability; scope.
- 48-111. Elective Compensation; election; effect, exemption from liability; exception.
- 48-112. Elective Compensation; presumption.
- 48-114. Employer, defined.
- 48-115. Employee and worker, defined; inclusions; exclusions; waiver; election of coverage.
- 48-115.01. Employee; extend coverage; when.

Rights and Liabilities of Third Persons

- 48-116. Employers; evasion of law; what constitutes; exceptions.
- 48-117. Employers; evasion of law; compensation; calculation.
- 48-118. Employer; liability of third person; subrogation; procedure; attorney's fees; settlement requirements; distribution of proceeds.

Schedule of Compensation

- 48-119 Compensation; from what date computed.
- 48-120. Medical, surgical and hospital services; employer's liability; fee schedule; physician, right to select; procedures; powers and duties; court; powers; dispute resolution procedure; managed care plan.
- 48-120.01. Terms, defined.
- 48-120.02 Managed care plan; certification; application; requirements; conditions; dispute resolution procedure; required; independent medical examiner; compensation court; powers and duties.
- 48-121. Compensation; schedule; total and partial disability; injury to specific parts of the body. amounts and duration of payments.
- 48-121.01 Maximum and minimum weekly income benefit; amounts; Governor; power to suspend.
- 48-121.02 State average weekly wage; how determined.
- 48-122. Compensation; injuries causing death; amounts and duration of payments; computation of wages; expenses of burial. alien dependents.
- 48-122.01. Compensation; schedule.
- 48-122.02. Compensation; cessation of income benefits; income benefits.
- 48-122.03. Compensation; maximum weekly income benefits in case of death.
- 48-123. Compensation; death of employee receiving disability payments; schedule.
- 48-124. Dependents; terms; defined
- 48-125. Compensation; method of payment, delay; review of award; attorney's fees; interest.
- 48-125.01. Compensation; penalties for attempted avoidance of payment.
- 48-126. Wages, defined, calculation.
- 48-126.01. Volunteer fire department; emergency management agency, organization, or team; military forces; law enforcement reserve force; volunteer ambulance unit; members; wages; basis of computation.
- 48-127. Compensation; willful negligence; intoxication; effect.
- 48-128. Compensation; injury increasing disability; second injury; Second Injury Fund, created; additional compensation; claim; service of summons; expenses.
- 48-129. Compensation; joint employers; liability.
- 48-130. Compensation; savings; insurance., other benefits; not factors.
- 48-131. Compensation; waiver by employee invalid.
- 48-132. Compensation; employees or dependents under disability; rights; enforcement.
- 48-133. Compensation; notice of injury; time; service.

Examination and Verification of Injury

- 48-134. Injured employee; physical examination; duty to submit.
- 48-134.01 Independent medical examiner system; list of health care providers; duties; fee schedule; selection of examiner; procedures before examiner; findings; immunity.
- 48-135. Autopsy; cost, payment.

Settlement and Payment of Compensation

- 48-136. Compensation; voluntary settlements.
- 48-137. Compensation claims; actions; statute of limitations; exceptions.
- 48-138. Compensation; Jump-sum settlement, order of court; computation; fee.
- 48-139. Compensation; lump-sum settlement, submitted to Nebraska Workmen's Compensation employer liability; fees.
- 48-140. Compensation; settlements; conclusiveness; exception.
- 48-141. Lump-sum settlement; finality; periodic payment; modification.

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