

Special Meeting

Mission: "Engaging All Learners to Achieve Success"

The Special Meeting started at 5:00 PM on Monday, April 6, 2020. The meeting was held at Administration Building
2508 27th Street
Columbus, NE 68601

Candace Becher: Present

Michael Jeffryes: Present

Doug Molczyk: Present

Theresa Seipel: Present

Douglas Willoughby: Absent

Douglas Willoughby: Present

I. Board Meeting

A. Call to Order

B. Roll Call of Board

C. Pledge of Allegiance

D. Notice of Open Meeting Posted

1. President insures all can hear proceedings

E. Opportunity for Public to be Heard

F. Board Special Functions

1. Governor Ricketts' Executive Order-Corona Virus Public Meetings Requirement Limited Waiver

Dr. Troy Loeffelholz, Superintendent, explained the information attached from the Governor's Executive Order. CPS must still comply with Open Meetings Act, while allowing meetings to be conducted via digital sources. Public and media must have access. If there is a problem with internet, we will need to make arrangements to set up in the conference room. Normally, it is not permitted to vote online, the order makes this allowable. On ZOOM, there is a participant list so we are aware of anyone joining the meeting.

2. Approval of the Emergency Response Resolution of the Board of Education of Columbus Public Schools District, regarding the coronavirus

This resolution is all-encompassing, it gives the superintendent/designee authority to close buildings, implement staff payments, facilitate food program, implement work at home plans. CPS had already taken the step with payments in preparation of the pandemic. All of these things have begun, but needs the boards authority and approval of this resolution. Approving the resolution is providing a public record of authority. Dr. Loeffelholz says he will stay in close contact with the board president and other board members. Dr. Loeffelholz said these are things we are already doing, school attorneys feel it is best to have the approval in writing. The board can cancel this resolution at any time. Dave Melick, Director of Business and Human Resources, commented on the work agreement, he said all but five employees have agreed.

3. Dr. Loeffelholz also noted the Nebraska Emergency Order is attached for information. This will assist Platte County in receive funds which will include all school districts in the county. If received, some of the funds could be used for the wi-fi access points that are being placed on the outside of a number of our buildings for students and parents to utilize for student learning. Also, we are serving many more meals that just CPS students, it may be possible to use some of that money if it isn't already funded.

4. Approval to apply for Public Assistance from FEMA

Dr. Loeffelholz shared information about FEMA becoming involved, and the approval to apply for disaster relief if needed, CPS will be prepared. Mr. Melick said that this was something the school attorneys suggested to be prepared. CPS could use these funds for the extra supplies for sanitizing buildings, it is not specified how the funds are required to be used. These funds also could be used for food, water, PPE, supplies that may not be covered by the Department of Education. Overtime costs may be covered, however, we really aren't seeing much of that at this time.

An example of an added expense is, the administration building is an election site by statute that remains in place. The Election Commissioner called and asked if CPS had another building they could use as one of the sites as one of the sites is a long term care facility that

can not be used during this time. Mr. Melick said that there would possibly be less people coming out to vote and maybe we could just combine the two sites at the Administration Building.

The purchase of food for our breakfast and lunch service is being handled day by day. This may also be an expense above and beyond what we serve to qualify for funds. Lunchtime Solutions has been able to supply sufficient amounts of food. The pick-up is changing from daily to weekly, Randi Macek and her staff are working on how that process is going to work. At this time, they are looking for foods that will hold up, not degrade over a week's time. Randi is working with kitchen managers to make arrangements for the amount of staff needed to put meals together and disperse. Looking at what sites to use, as some sites do not have enough refrigeration for the amount of milk that will be needed, also thinking it may be time to open CHS back up as a pick up site. They will not assemble sandwiches, the ingredients will be sent to be assembled at home, more water as a substitute for some of the milk.

CPS has served 31,016 meals in the last two weeks. Some families are not affiliated with CPS, but this program is similar to the summer lunch program and includes all. CPS will be reimbursed for all meals. LSI is charging only for food we are using in the program. LSI has furloughed some people from their administrative staff and asked people to work less hours.

G. Board Discussion

Dr. Loeffelholz spoke about some recent information from the Commission of Education regarding seniors credits as there have been some questions. Seniors will still be held accountable for credits to graduate. Typically policy says seniors must pass all classes to walk at graduation. We will look at the policy to see if any changes need to be made. Dr. Loeffelholz said there is a meeting scheduled with Mr. Hiebner, CHS Principal, regarding graduation. A plan will need to be made to include students that will leave earlier in the summer for the military, we could look at a virtual ceremony.

Today, Governor Ricketts discouraged scheduling any graduation plans before August 1, 2020.

There needs to be conversations regarding how we will close the school year down. Teachers ability to spend time in their rooms to organize and clean. How will devices and books be collected?

East Central is suggesting letting mail sit for 24 hours after delivery. Tech is sanitizing devices immediately when dropped off for repair.

Jason Harris, Executive Director of Student Services and SPED, says it is going well, his staff has made contact with all families. The families were given the choice of opting out of the plan during this time. This was all guided by Perry Law Firm. SPED staff is doing great, they have only had a couple of calls, parents with some anxiety about their part in the process.

There has not been a lot of feedback from regular education teachers. Dr. Loeffelholz has meetings this week with principals and feels he will hear more information on how things are progressing. CMS is checking on families. Elementary's are eaching out to students that have not been in contact. CHS social workers and counselors are checking in with students

that they normally have contact with each week. Jessy Hill was contacted about a student that was struggling, with the help of Jill Spale, they contacted the student and developed a safety plan. At a recent press conference, DHHS spoke specifically regarding mental health, many people are struggling, they spoke about how to combat this issue.

There are a lot of differences in how each district is handling the situation regarding grading and what is being offered to students as far as coursework. Dr. Loeffelholz said he believes we are in the middle of the pack, depending on the grade level. CORE classes at the high school level can teach new lessons with videos, etc. other classes may be more maintenance type work that is offered. The information put out to our families is that grades can only go up, if a student had a 90% at the end of third quarter, they can not get a lower grade, however, they could raise their grade. If work is not being done, teachers are reaching out to those students. Candy Becher, Board President, commented that college credit classes will have to be completed as originally planned. Elementary staff are offering enrichment, they are reviewing on lessons already taught and building on those lessons. There is inequity with parent help or not.

Leonard Kwapnioski, Executive Director of Buildings and Sites/Technology, said that we have one internet access point up and working, the others should be functioning early next week. He also discussed Verizon and possibly a couple of other companies have offered hot spots for families to use on their phones. There is one internet company that services some rural areas of Columbus that are blocking access to some of the sites being used.

Concerns regarding losing 8 weeks just doing maintenance. Can we plan for summer school to make up some of what is lost, Mr. Melick says for a price as the master plan would have to be re-negotiated. Could high school students that need credit do on-line courses over the summer months?

Mr. Melick told the board to let him know if any of them would like to help or observe food distribution.

Dr. Loeffelholz will set up a ZOOM meeting for the Centennial Listening Session on April 20th. Theresa and Mike are the visiting board members for this session.

H.

II. Adjourn

I, the undersigned, being the duly qualified Secretary for the School District No. 1 of Columbus, Nebraska, certify that the preceding is a true and correct copy of the minutes of the Regular School Board meeting of Monday, April 6, 2020.

President

Secretary

Nebraska Open Meetings Act

84-1407. Act, how cited. Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

84-1408. Declaration of intent; meetings open to public. It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public, in any manner which exercises their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

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

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and (b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 84-1415 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of the discussion of public business, formation of tentative policy, or the taking of any action of the public body; and (3) Videoconferencing means 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.

84-1410. 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. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held, 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; (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; (e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or (f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted in private. 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 entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and closed shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed session to only those purposes set forth in the motion to close and 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 formal action, 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 the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act. (5) The act does 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.

84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

(1) Each public body shall give reasonable advance public 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. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (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 under 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, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if: (a) Reasonable advance public notice is given; (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recording 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 or telephone conferencing was not used; (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference; (d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and (e)(i) Except as provided in subdivision 2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or (ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing. Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of the governing body of a board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if: (a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county; (b) Reasonable advance public notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision 3)(f) of this section; (c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, or entity or pool or at a place which will accommodate the anticipated audience; (d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recording by audio 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 a telephone conference call was not used; (e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call; (f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; (g) The telephone conference call lasts no more than five hours; and (h) No more than one-half of the board's, council's, governing body's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that: (i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and (ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call. Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the Daily Documentation 1st Quarter in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken at 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 (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day. (6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunication equipment.

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has 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 nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. 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 the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. (5) 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. (6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state, if only if: (a) A member of the public body is located outside of this state and the meeting is in that member's jurisdiction; (b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience; (c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance; (d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state; (e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; (f) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and (g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation. (7) 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. (8) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, 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. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. 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 public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body 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, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency. (6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

84-1414. 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 the Open Meetings Act 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 the Open Meetings Act 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 the Open Meetings Act. (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 the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. 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 the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Revised 6-3-19



PERRY, GUTHRIE, HAASE & GESSFORD, P.C., L.L.C.

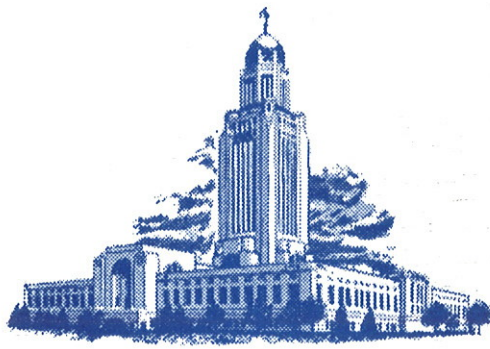
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STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER NO. 20—03
CORONA VIRUS – PUBLIC MEETINGS REQUIREMENT LIMITED WAIVER

WHEREAS, In order to provide flexibility to assist in meeting the emergency conditions and subsequent impacts brought on from COVID-19, a state of emergency was declared in Nebraska on March 13, 2020; and

WHEREAS, the State of Nebraska is committed to providing seamless government operations to the people of Nebraska throughout the state of emergency; and

WHEREAS, state and local governmental boards, commissions and other public bodies must comply with the Open Meetings Act so that citizens may exercise their democratic privilege of participating in meeting of public bodies; and

WHEREAS, for public health purposes, meetings and gatherings have now been limited to no more than 50 people and may be further limited if the presence of COVID-19 warrants;

NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, hereby issue this limited waiver of certain requirements of the Nebraska Open Meetings Act.

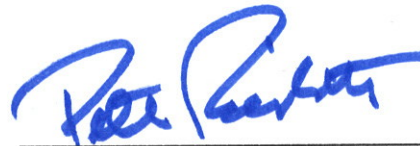
Pursuant to this declaration, I hereby order the following:

1. This executive order applies to all governing bodies as defined in Neb. Rev. Stat. §84-1409 (1) and to all public meetings as defined in Neb. Rev. Stat. § 84-1409 (2).
2. All governing bodies may meet by videoconference or by telephone conferencing or by conferencing by other electronic communication so long as there is made available at such meeting access to members of the public and to members of the media.

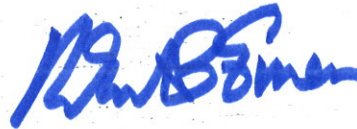
3. The advanced publicized notice and the agenda requirements for meetings that are set forth in Neb. Rev. Stat. §84-1411 and the remaining provisions of Nebraska's Open Meeting Act shall continue to be complied with by all governing bodies and are not waived by this executive order.
4. This waiver shall apply to all public governing body meetings that occur from today through May 31, 2020.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 17th day of March, 2020.

ATTEST:



Pete Ricketts, Governor



Robert B. Evnen, Secretary of State

RESOLUTION REGARDING CORONAVIRUS PLANS

**EMERGENCY RESPONSE RESOLUTION OF THE BOARD OF EDUCATION OF
PLATTE COUNTY SCHOOL DISTRICT _____, A/K/A _____ PUBLIC
SCHOOL DISTRICT, REGARDING THE CORONAVIRUS**

BE IT RESOLVED THAT:

WHEREAS, the World Health Organization designated the COVID-19 (coronavirus) outbreak as a global pandemic; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency over the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Governor Ricketts declared a state emergency over the COVID-19 pandemic; and

WHEREAS, the Board of Education of Platte County School District _____, a/k/a _____ Public School District (the “District”) in the interest of public health and safety hereby finds, determines and declares that, effective as of this date, that an epidemic sickness, disaster and emergency conditions prevail and exist within the boundaries of the District as defined in Neb. Rev. Stat. § 81-829.39 which is part of Neb. Rev. Stat. §§ 81-829.36 to 81-829.75, known as the Emergency Management Act (the “Act”) and other Nebraska laws; and

WHEREAS, these conditions are continually emerging and constitute a rapidly evolving situation which are a danger to the public health and safety, and to district students, staff, families and community partners; and

WHEREAS, as it is necessary for the District to react to the evolving situation and take significant actions that impact students, staff, community partners and programs operated out of District buildings and facilities or otherwise on little notice or in order to provide or implement a plans for continued operations, work and educational services when formal board meetings are unachievable; and

WHEREAS, in order to facilitate the ability to implement response actions plans and prompt reactions to the evolving situation, the Board of Education of the District hereby ratifies and approves all response actions to date and hereby finds and determines it is necessary and appropriate to suspend and waive existing all existing policies inconsistent with or that impede response implementation and further does hereby delegate the full power and authority to the Superintendent to close or limit access to buildings, schools or the District as needed or deemed appropriate by the Superintendent, implement a Pandemic Response Plan as it now or may exist or as amended by staff and other necessary, transportation or response action plans as developed, implement staff payment procedures as deemed appropriate, contract with or provide facilities maintenance and cleaning services as deemed appropriate, carry out nutrition services and food programs as deemed appropriate, undertake and continue special education measures may be

RESOLUTION REGARDING CORONAVIRUS PLANS

deemed appropriate and/or required by law, and undertake or carry out any other program that may be required by local, state or federal law, implement distance or e-learning as deemed appropriate, implement telework or “work from home” procedure, and take any and all other actions and sign all contracts or agreements in order to make emergency expenditures determined to be in the best interests of the District in this emergency situation and that this delegation of authority is to continue in effect until the emergency has been dealt with to the extent that the conditions no longer exist or the Board of Education ends this resolution; and

WHEREAS, the _____ County Emergency Management Director may issue an emergency proclamation under the provisions of Neb. Rev. Stat. § 81-829.51; and

WHEREAS, pursuant to Neb. Rev. Stat. § 81-829.51, and other applicable laws, before any expenditure, contract, or obligation is undertaken will be in excess of or in violation of existing statutory limitations or requirements, such expenditure, contract or obligation must be approved by a vote of the Board of Education.

NOW, THEREFORE, the Board of Education hereby approves and adopts the above stated facts, findings and determinations and further approves the following actions:

- A.** The Superintendent or his designee, in order to facilitate the ability to implement response actions plans and prompt reactions the evolving coronavirus situation the Board of Education of the District hereby finds and determines it is necessary and appropriate to delegate authority and does hereby delegate the full power and authority to the Superintendent to close or limit access to buildings, schools or the District as needed or deemed appropriate by the Superintendent, implement a Pandemic Response Plan as it now or may exist or as amended by staff and other necessary, transportation or response action plans as developed, implement staff payment procedures as deemed appropriate, contract with or provide facilities maintenance and cleaning services as deemed appropriate, carry out nutrition services and food programs as deemed appropriate, undertake and continue special education measures may be deemed appropriate and/or required by law, and undertake or carry out any other program that may be required by local, state or federal law, implement distance or e-learning as deemed appropriate, implement telework or “work from home” procedure, and take any and all other actions and sign all contracts or agreements in order to make emergency expenditures determined to be in the best interests of the District in this emergency situation.
- B.** That this delegation of authority is to continue in effect until the emergency has been dealt with as determined by the Superintendent to the extent that the conditions no longer exist, or until modified or terminated by action of the Board of Education.
- C.** In exercising the above authority, the Superintendent or his designee shall maintain close contact with the Board President and regularly inform the members of the Board of Education of actions taken pursuant to the foregoing authority.

RESOLUTION REGARDING CORONAVIRUS PLANS

The above Resolution having been read in its entirety, Member _____ moved for its passage and adoption, Member _____ seconded the same. After discussion and on roll call vote, the following members voted in favor of the passage and adoption of the above Resolution: _____

The following members voted against the same: _____

The following members were absent or not voting: _____

The above Resolution having been consented to by a majority of the quorum of the School Board of this School District was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska open meetings law.

DATED this ____ day of March, 2020.

PLATTE COUNTY SCHOOL DISTRICT
_____, **A/K/A**
_____**PUBLIC SCHOOL DISTRICT**

BY: _____
President or Other Officer

ATTEST: _____
Secretary

NEBRASKA EMERGENCY MANAGEMENT ACT

Reissue Revised Statutes of Nebraska
Section 81-829.31
Sections 81-829.36 to 81-829.75

Effective date July 19, 1996



Reproduced from the
Revised Statutes of Nebraska

by
Nebraska Emergency Management Agency
2433 NW 24th Street
Lincoln, Nebraska 68524-1801
2017

81-829.31. Adjutant General; Emergency Management Act; administer.

There is hereby created in the office of the Adjutant General the Nebraska Emergency Management Agency. The Adjutant General shall administer the Emergency Management Act.

81-829.36. Act, how cited. Sections 81-829.36 to 81-829.75 shall be known and may be cited as the Emergency Management Act.

81-829.37. Purposes of act. The purposes of the Emergency Management Act and the policy of the state are to:

(1) Reduce the vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade disasters and emergencies, civil disturbances, or hostile military or paramilitary action;

(2) Provide an emergency management system embodying all aspects of preparedness, response, recovery, and mitigation;

(3) Clarify and strengthen the roles of the Governor, state agencies, and local governments in the mitigation of, prevention of, preparation for, response to, and recovery from disasters, emergencies, or civil defense emergencies;

(4) Authorize and provide for cooperation and coordination of activities relating to mitigation of, prevention of, preparedness for, response to, and recovery from disasters, emergencies and civil defense emergencies by agencies and officers of this state and its political subdivisions and similar state, local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;

(5) Assist in mitigation and prevention of disasters, emergencies, and civil defense emergencies caused or aggravated by inadequate planning for and regulation of public and private facilities and land use; and

(6) Provide for the funding of activities incidental to carrying out the purposes of the act

81-829.38 Act, how construed. Nothing in the Emergency Management Act shall be construed to:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by the act or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(2) Interfere with the dissemination of news or comment on public affairs, but any communications facility or organization, including, but not limited to, radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster, emergency, or civil defense emergency;

81-829.38. (continued)

(3) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or any personnel thereof, when on active duty, but state, city, village, county, and interjurisdictional emergency operations plans shall place reliance upon the forces available for performance of functions related to disasters, emergencies, or civil defense emergencies; or

(4) Limit, modify, or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him or her under the Constitution of

Nebraska or the statutes or common law of this state independent of or in conjunction with any provisions of the Emergency Management Act.

81-829.39. Terms, defined. For purposes of the Emergency Management Act, unless the context otherwise requires:

(1) Civil defense emergency means an emergency declared by the President of the United States or Congress pursuant to applicable federal law finding that an attack upon the United States has occurred or is anticipated and that the national safety therefor requires the invocation of the emergency authority provided for by federal law. Civil defense emergency also means an enemy attack or other hostile action within the State of Nebraska or a determination by the President of the United States that any attack has been made upon or is anticipated within a designated geographic area which includes all or a part of the State of Nebraska. Any such emergency shall terminate in the manner provided by federal law or by proclamation of the Governor or resolution of the Legislature terminating such emergency;

(2) Disaster means any event or the imminent threat thereof causing widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause;

(3) Emergency means any event or the imminent threat thereof causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause which, in the determination of the Governor or the principal executive officer of a local government, requires immediate action to accomplish the purposes of the Emergency Management Act and to effectively respond to the event or threat of the event;

(4) Emergency management means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to mitigate, prevent, minimize, respond to, and recover from injury and damage resulting from disasters, emergencies, or civil defense emergencies. Emergency management functions include, but need not be limited to, firefighting services, police services, medical and health services, search and rescue services, engineering services,

81-829.39 (continued)

communications and warning systems, radiological preparedness, hazardous materials response, evacuation of persons from stricken areas, emergency welfare services, emergency transportation services, restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the functions listed in this subdivision;

(5) Emergency management worker includes any full-time or part-time paid, volunteer, or auxiliary employee of this state or other states, territories, or possessions of the federal government or any neighboring country or of any political subdivision thereof, of the District of Columbia, or of any agency or organization performing emergency management services at any place in this state subject to the order or control of or pursuant to a request of the state government or any political subdivision thereof and also includes instructors and students in emergency management educational programs approved by the Nebraska Emergency Management Agency or otherwise under the provisions of the Emergency Management Act;

(6) Hazard mitigation means measures which will eliminate or reduce the potential for damage to an area or facility from the effects of a future disaster, emergency, or civil defense emergency;

(7) Local government means a county, village or city of any class;

(8) Political subdivision means a city, village, county, school district, public power district, natural resources district, and any other unit of government below the state level, including any entity created by local public agencies pursuant to the Interlocal Cooperation Act;

(9) Principal executive officer means the mayor in a city of any class or the elected chairperson of the governing body of a village or county;

(10) State emergency response team means an organization for emergency management established in accordance with the provisions of sections 81-829.52 to 81-829.54 by state authority to supplement city, village, county, or interjurisdictional emergency management organizations in a stricken area; and

(11) Technological hazard means a hazard emanating from the manufacture, transportation, and use of such substances as radioactive materials, chemicals, explosives, flammables, agricultural pesticides, herbicides, disease agents, oil spills, and debris from space.

81-829.40 Governor; powers and duties. (1) The Governor shall be responsible for meeting the dangers to the state and people presented by disasters, emergencies, and civil defense emergencies, and in the event of disaster, emergency, or civil defense emergency beyond local control, he or she may assume direct operational control over all or any part of the emergency management functions within this state. He or she shall have general direction and control of emergency management and the Nebraska

81-829.40. (continued)

Emergency Management Agency and shall be responsible for carrying out the provisions of the Emergency Management Act.

(2) In order to effect the policy and purposes of the act, the Governor may issue proclamations and make, amend, and rescind the necessary orders, rules, and regulations to carry out the act.

(3) A state of emergency proclamation shall be issued by the Governor if he or she finds that a disaster, emergency, or civil defense emergency has occurred or that the occurrence or threat thereof is imminent. All proclamations issued under this subsection shall indicate the nature of the disaster, emergency, or civil defense emergency, the area or areas threatened, and the conditions which have brought about the state of emergency. All proclamations shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and shall be promptly filed with the Nebraska Emergency Management Agency, the Secretary of State, and the clerks of the local governments in the area to which it applies. The proclamation shall continue in effect until the Governor finds that the threat or danger has passed or the disaster, emergency, or civil defense emergency has been dealt with to the extent that those conditions no longer exist and terminates the proclamation by letter of notice to such agency, the Secretary of State, and the clerks of the local governments in the area to which it applies. The Legislature by resolution may terminate a state of emergency proclamation at any time, whereupon the Governor shall terminate the proclamation by letter of notice to such agency, the Secretary of State, and the clerks of the local governments in the area to which it applies.

(4) A state of emergency proclamation shall activate state, city, village, county, and interjurisdictional emergency management organizations and emergency operations plans applicable to the local government or area in question and shall be the authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to the act or any other provision of law relating to disasters, emergencies, or civil defense emergencies.

(5) During the continuance of any state of emergency the Governor shall be commander in chief of the organized and unorganized militia and of all other forces available for emergency management duty. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in appropriate proclamations, orders, rules, and regulations, but nothing shall restrict his or her authority to do so by orders issued at the time of the disaster, emergency, or civil defense emergency.

(6) In addition to any other powers conferred upon the Governor by law, he or she may:

81-829.40. (continued)

(a) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules, or regulations of any state agency if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the disaster, emergency, or civil defense emergency;

(b) Utilize all available resources of the state government and of each political subdivision of the state as are reasonably necessary to cope with the disaster, emergency, or civil defense emergency.

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management;

(d) Subject to any applicable requirements for compensation under section 81-829.57, commandeer or utilize any private property if he or she finds this necessary to cope with the disaster, emergency, or civil defense emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he or she deems this action necessary for the preservation of life or other emergency management;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises in the area;

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles; and

(i) Make provisions for the availability and use of temporary emergency housing.

(7) In the event of a civil defense emergency the Governor shall assume direct operational control over all or any part of the emergency management functions within this state.

81-829.41. Agency; Adjutant General; powers and duties. (1) The Nebraska Emergency Management Agency shall be maintained in the office of the Adjutant General. The Adjutant General shall be the director of the agency, shall administer the Emergency Management Act subject to the direction and control of the Governor, and shall receive such compensation for these services as shall be determined by the Governor. The agency shall have an assistant director and such other professional, technical, secretarial, and clerical employees as are necessary for the performance of its functions.

(2) The agency shall maintain an emergency operations plan and keep it current. The plan may include, but need not be limited to:

81-829.41. (continued)

(a) A history of Nebraska disasters, emergencies, and civil defense emergencies;

(b) An analysis of past and potential disasters, emergencies, and civil defense emergencies, including an identification of the functions and resources required to cope with such occurrences. The expected frequency of occurrence, along with the severity of effect, shall indicate the priority of preparedness efforts of the emergency management organizations of the state;

(c) Measures to be undertaken to accomplish damage assessment and situation analysis, warning, direction and control, coordination of operating forces, emergency resource management, emergency information and official instructions, communications and other necessary support to emergency response operations, and coordination and cooperation of federal, state, local, and nongovernmental agencies so as to provide a prompt and effective response to disasters, emergencies, and civil defense emergencies to prevent and minimize the injury and damage;

(d) The provision of relief and recovery assistance to individuals, political subdivisions of the state, and state agencies;

(e) Identification of areas of the state particularly vulnerable to disaster, emergency, or civil defense emergency;

(f) Recommendations for preventive and preparedness measures designed to eliminate or reduce disasters, emergencies, or civil defense emergencies or their impact, including, but not limited to, zoning, building, and other land-use control, and safety measures for securing mobile homes or other nonpermanent or semipermanent structures;

(g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster, emergency, or civil defense emergency;

(h) Assistance in designing city, village, county, and interjurisdictional emergency operations plans;

(i) Preparation and distribution to the appropriate state and political subdivision officials of catalogs of federal, state, and private disaster assistance programs; and

(j) Other necessary matters.

(3) The Nebraska Emergency Management Agency shall take an integral part in the development and revision of city, village, county, and interjurisdictional emergency operations plans prepared under section 81-829.46. It shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions and to city, village, county and interjurisdictional emergency management organizations. Such personnel shall consult with such political subdivisions and organizations on a regularly scheduled basis and shall make field examinations of the areas, circumstances, and conditions to which

81-829.41. (continued)

particular city, village, county, and interjurisdictional emergency operations plans are intended to apply and may suggest or require revisions.

(4) In preparing and revising the Nebraska emergency operations plans, the agency shall seek the advice and assistance of other agencies of government and the private sector. In advising city, village, county, and interjurisdictional emergency management organizations, the Nebraska Emergency Management Agency shall encourage them to also seek advice from these sources.

(5) The Nebraska emergency operations plans or any part thereof may be incorporated in rules or regulations of the agency.

(6) The agency shall:

(a) Determine the requirements of the state and its political subdivisions for basic necessities such as food, clothing and shelter in various disaster, emergency, or civil defense emergency situations;

(b) Procure and pre-position emergency supplies, materials, and equipment;

(c) Adopt and promulgate rules and regulations setting out standards and requirements for city, village, county, and interjurisdictional emergency operations plans;

(d) Periodically review city, village, county, and interjurisdictional emergency operations plans;

(e) Provide for state emergency response teams;

(f) Establish and operate or assist local governments, their emergency management organizations, and interjurisdictional emergency management organizations in establishing and operating training programs and programs of public information;

(g) Make surveys of such industries, resources, and facilities, both public and private, within the state as are necessary to carry out the purposes of the Emergency Management Act;

(h) Plan and make arrangements for the availability and use of any private facilities, services, and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon;

(i) Establish a register of persons with training and skills important in disaster prevention, mitigation, preparedness, response, and recovery and emergency management;

(j) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster or emergency;

(k) Prepare for issuance by the Governor proclamations, orders, rules, and regulations as are necessary or appropriate in coping with disasters, emergencies, and civil defense emergencies;

(l) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of the act and in implementing programs for disaster prevention, mitigation, preparedness, response, and recovery and emergency management;

81-829.41 (continued)

(m) Coordinate state emergency response as directed by the Governor

(n) Cooperate with other emergency management agencies and public agencies in the development of emergency management registries which include persons with functional needs and the families and guardians of such persons for purposes of planning for assistance for such persons and their families and guardians before, during, and after a disaster or other emergency. Participation in an emergency management registry by persons with functional needs and their families shall be voluntary. Information obtained by emergency management agencies or other public agencies for such purposes shall not be considered a public record under section 84-712.01. All information acquired pursuant to this subdivision is confidential and shall not be disclosed or released except to other agencies which have a legitimate and official interest in the information for carrying out the purposes of this subdivision. Any person acquiring information pursuant to this subdivision who intentionally discloses or releases such information in violation of this subdivision is guilty of a Class III misdemeanor; and

(o) Do other things necessary, incidental, or appropriate for the implementation of the act.

81-829.42. Governor's Emergency Program; established. (1) The Legislature recognizes that, while appropriations are adequate to meet the normal needs, the necessity exists for anticipating and making advance provision to care for the unusual and extraordinary burdens imposed on the state and its political subdivisions by disasters, emergencies, or civil defense emergencies. To meet such situations, it is the intention of the Legislature to confer emergency powers on the Governor, acting through the Adjutant General and the Nebraska Emergency Management Agency, and to vest him or her with adequate power and authority within the limitation of available funds appropriated to the Governor's Emergency Program to meet any disaster, emergency, or civil defense emergency.

(2) There is hereby established the Governor's Emergency Program. Funds appropriated to the program shall be expended, upon direction of the Governor, for any state of emergency. The state of emergency proclamation shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The Adjutant General shall administer the funds appropriated to the program.

(3) It is the intent of the Legislature that the first recourse shall be to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds are unreasonably great, he or she may make funds available from the Governor's Emergency Program. Expenditures may be made upon the direction of the Governor for

81-829.42 (continued)

any or all emergency management functions or to meet the intent of the state emergency operations plans as outlined in section 81-829.41. Expenditures may also be made to state and federal agencies to meet the matching requirement of any applicable assistance programs.

(4) Assistance shall be provided from the funds appropriated to the Governor's Emergency Program to political subdivisions of this state which have suffered from a disaster, emergency, or civil defense emergency to such an extent as to impose a severe financial burden exceeding the ordinary capacity of the subdivision affected. Applications for aid under this section shall be made to the Nebraska Emergency Management Agency on such forms as shall be prescribed and furnished by the agency. The forms shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The Adjutant General shall review each application for aid under this section and recommend its approval or disapproval, in whole or in part, to the Governor. If the Governor approves, he or she shall determine and certify to the Adjutant General the amount of aid to be furnished. The Adjutant General shall thereupon issue his or her voucher to the Director of Administrative Services who shall issue his or her warrants therefor to the applicant.

(5) When a state of emergency has been proclaimed by the Governor, the Adjutant General, upon order of the Governor, shall have authority to expend funds for purposes including, but not limited to:

(a) The purposes of the Emergency Management Act, including emergency management functions and the responsibilities of the Governor as outlined in the act;

(b) Employing for the duration of the state of emergency additional personnel and contracting or otherwise procuring all necessary appliances, supplies, and equipment;

(c) Performing services for and furnishing materials and supplies to state government agencies and local governments with respect to performance of any duties enjoined by law upon such agencies and local governments which they are unable to perform because of extreme climatic phenomena and receiving reimbursement in whole or in part from such agencies and local governments able to pay therefor under such terms and conditions as may be agreed upon by the Adjutant General and any such agency or local government;

(d) Performing services for and furnishing materials to any individual in connection with alleviating hardship and distress growing out of extreme climatic phenomena and receiving reimbursement in whole or in part from such individual under such terms as may be agreed upon by the Adjutant General and such individual;

(e) Opening up, repairing, and restoring roads and highways;

(f) Repairing and restoring bridges;

81-829.42 (continued)

(g) Furnishing transportation for supplies to alleviate suffering and distress;

(h) Restoring means of communication;

(i) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

(j) Quelling riots and civil disturbances;

(k) Training individuals or governmental agencies for the purpose of perfecting the performance of emergency management duties as provided in the Nebraska emergency operations plans;

(l) Procurement and storage of special emergency supplies or equipment, determined by the Adjutant General to be required to provide rapid response by state government to assist local governments in impending or actual disasters, emergencies, or civil defense emergencies;

(m) Clearing or removing debris and wreckage which may threaten public health or safety from publicly owned or privately owned land or water; and

(n) Such other measures as are customarily necessary to furnish adequate relief in cases of disaster, emergency, or civil defense emergency.

(6) If response to a disaster or emergency is immediately required, the Adjutant General may make expenditures of up to twenty-five thousand dollars per event without a state of emergency proclamation issued by the Governor. Such expenditures shall be used for the purposes provided in subsection (5) of this section.

(7) The Governor may receive such voluntary contributions as may be made from any nonfederal source to aid in carrying out the purposes of this section and shall credit the same to the Governor's Emergency Cash Fund.

(8) All obligations and expenses incurred by the Governor in the exercise of the powers and duties vested in the Governor by this section shall be paid by the State Treasurer out of available funds appropriated to the Governor's Emergency Program, and the Director of Administrative Services shall draw his or her warrants upon the State Treasurer for the payment of such sum, or so much thereof as may be required, upon receipt by him or her of proper vouchers duly approved by the Adjutant General.

(9) This section shall be liberally construed in order to accomplish the purposes of the Emergency Management Act and to permit the Governor to adequately cope with any disaster, emergency, or civil defense emergency which may arise, and the powers vested in the Governor by this section shall be construed as being in addition to all other powers presently vested in him or her and not in derogation of any existing powers.

(10) Such funds as may be made available by the government of the United States for the purpose of alleviating distress from disasters,

81-829.42 (continued)

emergencies, and civil defense emergencies may be accepted by the State Treasurer and shall be credited to a separate and distinct fund unless otherwise specifically provided in the act of Congress making such funds available or as otherwise allowed and provided by state law.

81-829.43. Prevention measures; procedure. (1) In addition to prevention measures included in the state, city, village, county, and interjurisdictional emergency operations plans, the Governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters, emergencies, and civil defense emergencies. At his or her direction and pursuant to any other authority and competence they have, state agencies, including, but not limited to, those charged with responsibilities in connection with flood plain management, stream encroachment and flow regulation, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of prevention-related matters. The Governor, from time to time, shall make such recommendations to the Legislature, local governments, and other appropriate public and private entities as may facilitate measures for prevention or mitigation of the harmful consequences of disasters, emergencies, and civil defense emergencies. The recommendations submitted to the Legislature shall be submitted electronically.

(2) The appropriate state agencies, in conjunction with the Nebraska Emergency Management Agency, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence. The studies under this subsection shall concentrate on means of mitigating or avoiding the dangers caused by any such occurrence or the consequences thereof.

(3) If the agency believes on the basis of the studies or other competent evidence that an area is susceptible to a disaster, emergency, or civil defense emergency of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude thereof, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the Governor. If the Governor upon review of the recommendation finds after public hearing that the changes are essential, he or she shall so recommend to the agencies or local governments with jurisdiction over the area and subject matter. If no action or insufficient action pursuant to his or her recommendations is taken within the time specified by the Governor, he or she shall so inform the Legislature electronically and request appropriate legislative action to mitigate the impact of a disaster, emergency, or civil defense emergency.

81-829.43 (continued)

(4) The Governor, at the same time that he or she makes recommendations pursuant to subsection (3) of this section, may suspend the standard or control which he or she finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control shall remain in effect until rejected by resolution of the Legislature or amended by the Governor. During the time it is in effect, the standard or control contained in the Governor's regulation shall be administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. The Governor's action shall be subject to judicial review but shall not be subject to temporary stay pending litigation.

81-829.44 Repealed. Laws 1996, LB 43, § 54.

81-829.45. Agency; weather conditions; continuously apprise. The Nebraska Emergency Management Agency shall keep continuously apprised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster or emergency.

81-829.46. Local government; Governor; powers; duties; performance of functions. (1) The elected officers of local governments shall be responsible for ensuring that emergency management services are provided to their citizens and for coordinating emergency operations in their respective jurisdictions.

(2) Each local government shall be within the jurisdiction of and served by the Nebraska Emergency Management Agency and shall participate in a city, village, county, or interjurisdictional emergency management organization. Each county or interjurisdictional emergency management organization shall cooperate with and perform emergency management functions for the local governments located within the organization's boundaries but shall not have responsibility for emergency management services within a city or village having its own emergency management organization. Each city or village may maintain a city or village emergency management organization which, if formed, shall be the primary organization for emergency management serving that city or village. Any county or interjurisdictional emergency management organization may assist in emergency management functions for that city or village if approved by the city or village emergency management organization. Each county may maintain a county emergency management organization which shall be the primary organization for emergency management for that county. Any city, village, or interjurisdictional emergency management organization may assist in emergency management functions for that county if approved by the county emergency management organization.

81-829.46. (continued)

(3) Each city, village, county, or interjurisdictional emergency management organization, if formed, shall have either (a) a full-time director or (b) a full-time deputy director and such additional personnel as may be needed, appointed in accordance with the agreement establishing the organization. Such director shall have direct responsibility for the organization, administration, and operation of such emergency management organization subject to the direction and control of the principal executive officer for the local government or in accordance with such agreement. A person may serve as a director for more than one emergency management organization serving an area.

(4) The Governor may determine that some cities need emergency management organizations of their own. The Governor shall, after making such determination, require that such emergency management organizations be established and maintained by issuing a directive in the form of a rule or regulation. The Governor shall make the determination on the basis of a city's vulnerability and capability of response related to population size and concentration. The Nebraska Emergency Management Agency shall publish and keep current a list of cities required to have an emergency management organization.

(5) Any provision of the Emergency Management Act or other law to the contrary notwithstanding, the Governor may require a local government to establish and maintain an emergency management organization jointly with one or more contiguous local governments if he or she finds that the establishment and maintenance of or participation in such an organization is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response, or recovery services or emergency management functions under other provisions of the act. Such interjurisdictional organizations shall be organized generally in accord with the Interlocal Cooperation Act and the planning and development regions created in section 13-1901.

(6) City, Village, county, or interjurisdictional emergency management directors or coordinators or their assistants or deputies, who are required by the Emergency Management Act or rules and regulations of the Governor to devote full time to their duties, shall be qualified and certified in accord with criteria established for the state by the Nebraska Emergency Management Agency. Such directors or coordinators shall be paid for their services in an amount comparable to other officers of local governments.

(7) Each local government shall have a liaison officer designated to facilitate cooperation with emergency management organizations and to ensure that emergency management services are provided to the citizens of that local government. The liaison officers of local governments and the directors of the emergency management organizations shall communicate frequently to facilitate joint emergency preparedness

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efforts. For local governments which maintain an emergency management organization, the director or coordinator may serve as the liaison officer.

(8) The principal executive officer of each local government of the state shall notify the Nebraska Emergency Management Agency of the manner in which the local government is providing or securing emergency management services, identify the person who heads the entity from which the service is obtained, and furnish such additional information as the agency requires.

(9) Each city, village, county or interjurisdictional emergency management organization shall prepare and keep current a city, village, county, or interjurisdictional emergency operations plan for its jurisdiction. Such plans shall be in conformance with the requirements established in the act.

(10) Each city, village, county, or interjurisdictional emergency management organization shall prepare, keep current, and distribute to all appropriate officials in written form a clear and complete statement of the disaster and emergency management responsibilities of all local entities and officials and of the emergency response chain of command.

81-829.47. Interjurisdictional emergency management arrangement; Governor findings.

(1) If the Governor finds that two or more adjoining counties would be better served by an interjurisdictional emergency management arrangement than by maintaining separate emergency management organizations and services, he or she may delineate by order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to a disaster, emergency, or civil defense emergency in that area and direct such steps to be taken as are necessary, including the creation of an interjurisdictional emergency management relationship, a joint emergency operations plan, mutual aid, or an interjurisdictional emergency management organization. A finding of the Governor pursuant to this subsection shall be based on one or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, mitigation, preparedness, response, and recovery and emergency management system without such interjurisdictional arrangement, such as:

(a) Small or sparse population;

(b) Limitations on public financial resources severe enough to make maintenance of separate emergency management organizations and services unreasonably burdensome;

(c) Unusual vulnerability to disaster, emergency, or civil defense emergency as evidenced by past history, topographical features, drainage characteristics, potential for disaster, emergency, or civil defense emergency, and presence of facilities or operations prone to disaster, emergency, or civil defense emergency;

81-829.47. (continued)

(d) The interrelated character of the counties multicounty area,
or

(e) Other relevant conditions or circumstances.

(2) If the Governor finds that a vulnerable area lies only partly within this state and includes territory in another state or states and that it would be desirable to establish an interstate relationship, mutual aid, or an interstate emergency management organization, he or she shall take steps to that end as desirable. If this action is taken with jurisdictions that have enacted the Interstate Civil Defense and Disaster Compact, any resulting agreements may be considered supplemental agreements pursuant to Article 6 of that compact.

(3) If the other jurisdictions with which the Governor proposes to cooperate pursuant to subsection (2) of this section have not enacted the compact, he or she may negotiate special agreements with the jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, shall become effective only after its text has been communicated electronically to the Legislature and if the Legislature has not disapproved it prior to adjournment of the next session competent to consider it or within thirty days of its submission, whichever is later.

81-829.48. Emergency management aid and assistance; mutual aid arrangements; interjurisdictional emergency management agreement.

(1) The director or coordinator of each city, village, county or interjurisdictional emergency management organization shall, in collaboration with other public and private entities within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster, emergency, or civil defense emergency too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency operations plan, and in time of emergency it shall be the duty of each city, village, county, or interjurisdictional emergency management organization to render assistance in accordance with the provisions of such mutual aid arrangements.

(2) The director or coordinator of each city, village, county, or interjurisdictional emergency management organization may, subject to the approval of the Governor, enter into mutual aid organizations in other states for reciprocal emergency management aid and assistance in case of disaster, emergency, or civil defense emergency too great to be dealt with unassisted.

(3) It shall be a sufficient reason for the Governor to require an interjurisdictional emergency management agreement or arrangement pursuant to section 81-829.47 if the area and local governments involved have available equipment, supplies, and forces necessary to provide mutual aid on a regional basis and that the local governments have not already made adequate provision for mutual aid, but in requiring the making of an

81-829.48. (continued)

adequate provision for mutual aid, but in requiring the making of an interjurisdictional emergency management arrangement to accomplish the purposes of this section, the Governor need not require establishment and maintenance of an interjurisdictional emergency management organization or arrangement for any other disaster, emergency or civil defense emergency purposes.

81-829.49. Local government, school district, or educational service unit appropriations. Each local government, school district, or educational service unit shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such local government, school district, or educational service unit for the payment of expenses of its city, village, county, school district, educational service unit, or interjurisdictional emergency management organization and in furthering the purposes of the Emergency Management Act.

81-829.50. Local emergency; declared; principal executive officer of a local government; effect; interjurisdictional emergency management organization.

(1) A local emergency may be declared only by the principal executive officer of a local government who finds that conditions defined as a disaster or an emergency exist or by a person who by resolution has been authorized and designated by the governing board of a local government to determine that an emergency within the scope of his or her authorization exists. A copy of the resolution shall be filed with the Nebraska Emergency Management Agency to be effective. The proclamation shall continue in effect until the principal executive officer finds that the disaster or emergency has been dealt with to the extent that those conditions no longer exist. The local governing body by resolution may terminate a local state of emergency proclamation at any time, and upon such termination the principal executive officer shall terminate the proclamation. Any order or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly with the clerk of the local government and the Nebraska Emergency Management Agency.

(2) The effect of a declaration of a local emergency shall be to activate the response and recovery aspects of any and all applicable city, village, county, or interjurisdictional emergency operations plans and to authorize the furnishing of aid and assistance under such plans.

(3) No interjurisdictional emergency management organization or official thereof may declare a local emergency unless expressly authorized by the agreement pursuant to which the organization functions, but an interjurisdictional emergency management organization shall provide aid and services in accordance with the agreement and emergency operations plan pursuant to which it functions.

81-829.51. Local government; school district; educational service unit; emergency expenditures; vote of governing body; when.

(1)(a) In the event of a disaster, emergency, or civil defense emergency, each local government may make emergency expenditures, enter into contracts, and incur obligations for emergency management purposes regardless of existing statutory limitations and requirements pertaining to appropriation, budgeting, levies, or the manner of entering into contracts.

(b) In the event of a disaster, emergency, or civil defense emergency, each school district or educational service unit may make emergency expenditures, enter into contracts, and incur obligations for emergency management purposes and to minimize the disruption to education services regardless of existing statutory limitations and requirements pertaining to appropriation, budgeting, or the manner of entering into contracts.

(2) If any such expenditure, contract, or obligation will be in excess of or in violation of existing statutory limitations or requirements, then before any such expenditure, contract, or obligation is undertaken it shall be approved by a vote of the governing body of such local government, school district, or educational service unit. The governing body may not vote its approval unless it has secured a copy of the proclamation as provided in section 81-829.50 from the city, village, county, or interjurisdictional emergency management director serving such local government, school district, or educational service unit. For school districts and educational service units, the proclamation shall be secured from the county in which the school district or principal office of the educational service unit is located.

81-829.52. State emergency response teams; establish; team leader; appointment; duties. Upon orders of the Governor, the Adjutant General is authorized to establish such number of state emergency response teams as may be necessary to reinforce emergency management organizations in stricken areas and with due consideration of the plans of the federal government and of other states. The Adjutant General shall appoint a team leader for each team who shall have primary responsibility for the organization, administration, and operation of such team. The team leader shall keep and maintain a roster of members of the team, and only such persons whose names appear on the roster shall be deemed members of such team and entitled to the benefits provided by section 81-829.53. No political subdivision shall be entitled to reimbursement as provided in section 81-829.54 unless the individual on whose behalf reimbursement is sought was duly enrolled on the roster as provided in this section at the time the obligation was incurred. State emergency response teams shall perform their functions in any part of the state or, upon the conditions specified in mutual aid plans and emergency management agreements, in accordance

81-829.52. (continued)

with the Interstate Civil Defense and Disaster Compact, and in this section, in other states.

81-829.53. State emergency response teams; personnel; powers; duties; rights; immunities; compensation. Personnel of state emergency response teams while on duty, whether within or without the state shall:

(1) If they are employees of the state, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment;

(2) if they are employees of a political subdivision of the state, and whether serving within or without such political subdivision, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment; and

(3) if they are not employees of the state or a political subdivision thereof, be entitled to compensation by the state at rates to be established by the Governor and shall be entitled to the same rights and immunities as are provided by law for the employees of this state. State emergency response teams shall, while on duty, be subject to the operational control of the authority in charge of emergency management activities in the area in which they are serving and shall be reimbursed for all actual and necessary travel and subsistence expenses in accordance with sections 81-1174 to 81-1177.

81-829.54. State emergency response teams; employees; expenses; political subdivisions; reimbursement by state; rental of equipment; payment; damages. (1) The state shall reimburse a political subdivision for (a) the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employees of such political subdivision while serving as members of a state emergency response team as provided in sections 81-1174 to 81-1177, (b) all payments for death, disability, or injury of such employees incurred in the course of such duty as provided in the Nebraska Workers' Compensation Act, and (c) all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such state emergency response team.

(2) The state shall pay a fee for rental of privately owned equipment used in the operation of a state emergency response team and shall also pay for any loss or damage to privately owned equipment used in emergency response. The fee for rental of such privately owned equipment shall be fixed, and any loss or damage to such equipment shall be assessed by a board consisting of three persons to be appointed by the Governor, one of whom shall be the material administrator of the material division of the Department of Administrative Services.

81-829.55. Immunity from liability for activities; covered by Nebraska Workers' Compensation Act; licenses, not required; emergency management worker; powers, duties, immunities, privileges. (1) All functions provided for in the Emergency Management Act and all other activities relating to emergency management are hereby declared to be governmental functions. The United States, the state, any political subdivision thereof, and, except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker complying with or reasonably attempting to comply with the provisions of the act, any emergency management act of Congress, or any order, rule, or regulation promulgated pursuant to the act or any emergency management act of Congress or acting pursuant to any ordinance relating to black-out or other precautionary measures enacted by any political subdivision of the state shall not be liable for the death of or injury to persons or for damage to property as a result of any such activity. This section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under the Emergency Management Act, under the Nebraska Workers' compensation Act, or under any pension law or the right of any person to receive any benefits or compensation under any act of Congress.

(2) Any requirement for a license to practice any professional, mechanical, or other skill shall not apply to any authorized emergency management worker who in the course of performing duties as such practices such professional, mechanical, or other skill during a civil defense emergency or declared state of emergency.

(3) Any emergency management worker performing emergency management services at any place in this state pursuant to agreements, compacts, or arrangements for mutual aid and assistance to which the state or a political subdivision thereof is a party shall possess the same powers, duties, immunities, and privileges he or she would ordinarily possess if performing such duties in the state, province, or political subdivision thereof in which normally employed or rendering services.

81-829.56. Interstate Civil Defense and Disaster Compact; enactment; other agreements or compacts; approval.

(1) This state hereby enacts into law and enters into the Interstate Civil Defense and Disaster Compact with all states bordering this state which have enacted or shall hereafter enact the compact in the form substantially as adopted in this state.

(2) The Governor may enter into the compact with any state which does not border this state if he or she finds that joint action with the state is desirable in meeting common intergovernmental problems of emergency disaster planning, prevention, response, and recovery.

(3) Nothing in subsections (1) and (2) of this section shall be construed to limit previous or future entry into the Interstate Civil Defense and Disaster Compact of this state with other states.

81-829.56. (continued)

(4) If any person holds a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster and this state shall give due recognition to the license, certificate, or other permit.

(5) In addition to the Interstate Civil Defense and Disaster Compact, the Governor may enter into and execute on behalf of the State of Nebraska mutual aid agreements or emergency preparedness compacts with other states. Any such agreement or compact shall provide for reimbursement of all costs incurred by the State of Nebraska for actions taken in another state, for indemnification of the State of Nebraska and its employees against all claims, costs, or fees arising from actions taken in another state, and for termination of the agreement or assistance as necessary to meet disasters, emergencies, or other needs of the State of Nebraska. Any mutual aid agreement or emergency preparedness compact other than the Interstate Civil Defense and Disaster Compact which does not meet the requirements specified in this subsection shall be submitted electronically to the Legislature for approval by the Legislature before it can become effective.

81-829.57. Persons within the state; conduct; personal services; compensation for property; claim; file.

(1) Each person within this state shall conduct himself or herself and keep and manage his or her affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public successfully to meet disasters, emergencies, or civil defense emergencies. This obligation shall include appropriate personal service and use or restriction on the use of property in time of disaster, emergency, or civil defense emergency. The Emergency Management Act shall not be construed to increase or decrease these obligations, but the act recognizes their existence under the Constitution of Nebraska and statutes of this state and the common law. Compensation for services or for the taking or use of property shall be only to the extent that obligations recognized in this subsection are exceeded in a particular case and then only to the extent that the claimant may not be deemed to have volunteered his or her services or property without compensation.

(2) No personal services may be compensated by the state or any subdivision or agency thereof, except pursuant to statute or local law, resolution, or ordinance.

(3) Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster, emergency, or civil defense emergency and its use or destruction was ordered by the Governor or a member of the emergency management forces of this state to whom the Governor has duly delegated such authority.

81-829.57. (continued)

(4) Any person claiming compensation for the use, damage, loss, or destruction of property under the act shall file a claim therefor with the Nebraska Emergency Management Agency in the form and manner the agency provides.

(5) Unless the amount of compensation on account of property damaged, lost or destroyed is agreed upon between the claimant and the agency, the amount of compensation shall be calculated in the same manner as compensation due for a taking of property pursuant to the condemnation laws of this state.

(6) Nothing in this section shall apply to or authorize compensation for the destruction or damaging of standing timber or other property in order to provide a fire break or to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

81-829.58. Emergency management; supplies and services from federal government; funds; disposition.

Whenever the federal government or any agency or officer thereof offers to the state or, through the state, to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of disaster response and emergency management, the state, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its principal executive officer or governing body, may accept such offer. Upon such acceptance the Governor of the state or principal executive officer or governing body of such political subdivision may authorize any officer of the state or such political subdivision to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. All such funds received on behalf of the state shall be remitted to the State Treasurer for credit to a separate and distinct fund unless otherwise specifically provided in the act of Congress making such funds available, or as otherwise allowed and provided by state law.

81-829.59. Emergency management; supplies and services from private entities; funds; disposition.

Whenever any person, firm, or corporation offers to the state or to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of disaster response and emergency management, the state, acting through the Governor, or such political subdivision, acting through its principal executive officer or governing body, may accept such offer. Upon such acceptance the Governor of the state or principal executive officer or governing body of such political subdivision may authorize any officer of the state or of the political

81-829.59. (continued)

subdivision to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, subject to the terms of the offer. All such funds received on behalf of the state shall be remitted to the State Treasurer for credit to the Governor's Emergency Fund.

81-829.60. Emergency management; utilization of services, equipment, supplies, and facilities of existing departments and agencies of state.

In carrying out the Emergency Management Act, the Governor and the principal executive officers or governing bodies of the political subdivisions of the state shall utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and its political subdivisions to the maximum extent practicable. The officers and personnel of all such departments, offices, and agencies shall cooperate with and extend such services and facilities to the Governor and to the disaster response and emergency management organizations of the state upon request.

81-829.61. Emergency management organizations; political activities prohibited. No emergency management organization established under the Emergency Management Act shall participate in any form of political activity nor shall it be employed directly or indirectly for political purposes.

81-829.62. Emergency management; personnel; advocacy of subversive activities against government; prohibited. No person shall be employed or associated in any capacity in any emergency management organization established under the Emergency Management Act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence or who has been convicted of or is under indictment or information charging any subversive act against the United States.

81-829.63. Repealed. Laws 1996, LB43, s. 54.

81-829.64. Emergency management organizations; enforce orders, rules, and regulations. Every emergency management organization established pursuant to the Emergency Management Act and the officers thereof shall execute and enforce such orders, rules, and regulations as may be made by the Governor under the act. Each such organization shall have available for inspection at its office all orders, rules, and regulations made by the Governor or under his or her authority.

81-829.65. Emergency operations; moving of equipment outside limits of local government; law enforcement personnel; powers; insurance.

The governing body of each local government of this state shall take the necessary action to permit the movement of its emergency equipment and personnel, utility equipment and personnel, or such equipment and personnel as defined in the state, city, village, county, or interjurisdictional emergency operations plans outside the limits of such local government in order to render aid in the event of disaster, emergency, or civil defense emergency or in connection with any program of practice or training for such disaster, emergency, or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program. If such personnel includes law enforcement personnel rendering aid in their law enforcement capacity, the law enforcement personnel shall have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of their primary jurisdiction. Such movement may be to any point in this state or may be into any adjoining state when mutual aid arrangements have been entered into on behalf of this state with such other state as authorized by section 81-829.56. Each local government shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this section.

81-829.66. Emergency operations; immunity from liability for licensors of shelter space.

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack or disaster shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises, or loss of, or damage to, the property of such person, at any time such real estate or premises are actually used for such purpose.

81-829.67. Storm spotter or emergency management worker; training, identification, and credentialing.

(1) The Nebraska Emergency Management Agency shall develop training, identification, and credentialing standards for a storm spotter or emergency management worker.

(2) For purposes of this section, storm spotter means an individual who performs weather spotting services as an employee or a

81-829.67. (continued)

volunteer of a local emergency management organization and who has been credentialed by the Nebraska Emergency Management Agency under this section.

81-829.68. Repealed. Laws 1976, LB 847, § 2.

81-829.69. State of emergency; proclaimed by Governor; powers.

Whenever the Governor has proclaimed a state of emergency pursuant to section 81-829.40, the Governor shall be authorized:

(1) To enter into purchase, lease, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster, emergency, or civil defense emergency victims and to make such units available to any local government of the state;

(2) To assist any local government of the state which is the location of temporary housing for victims to acquire sites necessary for such temporary housing and to do all things required to prepare such sites to receive and utilize temporary housing units; and

(3) Under such regulations as he or she shall prescribe, to temporarily suspend or modify for not to exceed sixty days any public health, safety, zoning, transportation, or other requirement of law or regulation within this state when by proclamation he or she deems such suspension or modification essential to provide temporary housing for victims.

81-829.70. Temporary housing units; powers of local governments. Any local government of this state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster, emergency, or civil defense emergency victims and to enter into whatever arrangements are necessary to prepare or equip such sites to utilize the housing units.

81-829.71. Major disaster; powers of Governor; apply for federal community disaster loans; cancellation of repayment; when. Whenever a major disaster has been declared to exist in this state, the Governor shall be authorized:

(1) Upon his determination that a local government of the state will suffer a substantial loss of tax and other revenue from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, to apply to the federal government, on behalf of the local government, for a loan, and to receive and disburse the proceeds of any approved loan to any applicant local government subject to the terms of the loan. The Governor shall determine the amount needed by any applicant local government to restore or resume its governmental functions, and certify such amount to the federal government; and

81-829.71. (continued)

(2) To recommend to the federal government, based upon his review, the cancellation of all or any part of repayment when, in the first three full fiscal years following the major disaster, the revenue of the local government is insufficient to meet its operating expenses, including additional disaster-related expenses of municipal operation.

81-829.72. State of emergency; powers of Governor; Adjutant General; duty.

(1) Whenever a state of emergency has been declared to exist in this state, the Governor is authorized, upon his or her determination that financial assistance is essential to meet related necessary expenses or serious needs of individuals or families adversely affected by a disaster, emergency, or civil defense emergency that may not be otherwise met from other means of assistance, to (a) accept a grant by the federal government to provide such financial assistance, subject to such terms and conditions as may be imposed upon the grant, and (b) provide assistance from the Governor's Emergency Program to such individual assistance programs as may be required by terms and conditions of the federal program.

(2) The Adjutant General shall establish such individual assistance programs as shall be necessary to carry out the purposes of subsection (1) of this section.

81-829.73. Misstatement concerning financial assistance; penalty. Any person who fraudulently or willfully makes a misstatement of fact in connection with an application for financial assistance under the Emergency Management Act shall, upon conviction of each offense, be guilty of a Class I misdemeanor.

81-829.74. Repealed. Laws 1996, LB 43, s. 54.

81-829.75. References to prior act and agency; how construed. On and after July 19, 1996, all references in statutes, rules, regulations, ordinances, resolutions, and other documents to the Nebraska Disaster and Civil Defense Act of 1973 shall be construed to mean the Emergency Management Act and all references in statutes, rules, regulations, ordinances, resolutions, and other documents to the civil defense agency in the Adjutant General's office shall be construed to mean the Nebraska Emergency Management Agency.

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