

Nebraska

2007 Report and 2009-10 Update by Karen Wallace, Drake University Law Library

OFFICIAL STATUS

X

No change since
the 2007 report

AUTHENTICATION

X

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the 2007 report

Nebraska online legal resources are not official.

Section 49-767 of the Revised Statutes of Nebraska provides that the official version of the Nebraska statutes shall be the supplements and reissued volumes as published by the Revisor of Statutes. Rules 2-112(C) and 2-102(E)(3) of the Nebraska Court Rules of Appellate Practice specify that the bound volumes of the Nebraska Reports and the Nebraska Appellate Reports provide the official version of the courts' published opinions. Sections 49-501.01 and 84-906.03 of the Revised Statutes of Nebraska appear to leave open the possibility that an electronic version of the Nebraska session laws or Nebraska Administrative Code could be designated as official.

Nebraska is not addressing the authentication of online legal resources.

Nebraska has no process in place to certify online legal resources as complete and unaltered.

Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report? Nebraska has not eliminated any print publication of primary law to date.

Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report? Such legislation has not been enacted, although statutes provide requirements for electronic records that constitute the permanent record (see Neb.Rev.St. § 84-1228) and a Nebraska Publications Clearinghouse to collect and preserve state publications (see Neb.Rev.St. § 51-411 et seq.).

Have courts in your state adopted a medium neutral citation system since the 2007 report? The Nebraska Supreme Court has not adopted a medium neutral citation format.

Have there been any other significant changes to the 2007 state summary? The disclaimer that the electronic version of the Nebraska statutes is not official is in a less visible location than it was in 2007.

Nebraska does not certify as *official* and *authentic* its online versions of the state statutes, court opinions, or administrative code. Further, the state session laws equivalent to the print title are not available online. Starting in 1999, individual slip laws, unofficial and unauthenticated, are available through the website of the Unicameral, Nebraska's legislature (at <http://www.unicam.state.ne.us/>).

The Unicameral's site offers HTML access to the current statutory code. The disclaimer that the electronic version is unofficial is rather buried, found from following the contact link on the left-hand menu and then selecting disclaimer. This leads to the message:

“The [Legislature] makes every attempt to ensure accuracy and reliability of the data in the documents contained on this web site. However, the [Legislature] makes no warranty, guarantee, or promise, express or implied, concerning the content of the documents. For matters affecting legal or other rights, or to confirm content, please refer to the printed version of the appropriate official publication.”

Both the Nebraska Supreme Court and the Nebraska Court of Appeals provide online access to slip opinions released in the last ninety days in PDF form (at <http://www.supremecourt.ne.gov/opinions/index.shtml>). A clear disclaimer notes, “Pursuant to Neb. Ct. R. App. P. §§ 2-112 and 2-102(E)(3), the only official version of the opinions of the Nebraska Supreme Court and the Nebraska Court of Appeals appears in the bound volumes of the Nebraska Reports and the Nebraska Appellate Reports.” According to the Nebraska Supreme Court and Court of Appeals Reporter of Decisions, there are currently no plans to change this access, although limited discussion about archiving opinions has occurred.

Nebraska has no administrative register, either in print or online. The Secretary of State's website provides an unofficial, unauthenticated version of the current administrative code in PDF format (at <http://www.sos.ne.gov/rules-and-regs/regsearch/>). The top of the page notes, “Important Information, Please Read Before Searching (click here).” The linked text reads:

“Disclaimer. Every effort is being made to make sure the online version of the Nebraska Administrative Code is complete and accurate. The text of the code on the internet appears as submitted by the agency which promulgated the rule and should be correct, but, due to the volume of text submitted, they have not been proofread for accuracy against the official paper text of the code on file with the Secretary of State.”

There are currently no plans to make the online version of the Nebraska Administrative Code *official* or *authenticated*. The site offers some enhancements, such as a rules tracking feature and an e-mail notification service that alerts the user to upcoming hearings for user-specified agencies' proposed regulations. Additionally, most agencies accept electronic submission of comments on proposed regulations, as explained on the Secretary of State website (at <http://www.sos.ne.gov/rules-and-regs/explanation.html>). The Secretary of State, Rules and Regulations Officer reports that Secretary of State John Gale's office has recently created a database of scanned images showing each version of every regulation from 1985 forward. Currently for internal use only, the database might eventually be made public if it can be reconfigured to be more user-friendly.

Currently, no Nebraska government body appears to offer *official* or *authenticated* state materials online. The Nebraska Library Commission's Nebraska Publications Clearinghouse (at <http://www.nlc.state.ne.us/docs/statedepositoryprogram.html>) provides access to state government publications that are multiply produced and intended for public distribution. For about a decade, this has included offering links to online state publications. Beginning in July 2005, the Clearinghouse now collects PDF versions of select state documents either harvested from agency websites or scanned from print copies and then archived on the Library Commission server, with the intent of offering permanent, stable public access to these resources. These functions are detailed on the Library Commission's "Depository Library Responsibilities" Web page (at <http://www.nlc.state.ne.us/docs/cleartutorialresdepost.html>). The documents collected by the Clearinghouse are stored as locked PDF files but are not *authenticated*; an official with the Library Commission confirms there currently are no plans to begin *authenticating* them.