

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 83

FINAL READING

Introduced by Flood, 19; Blood, 3; Hunt, 8; Brandt, 32; Cavanaugh, M., 6;
Hansen, M., 26.

Read first time January 07, 2021

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to public meetings; to amend sections 24-1204,
2 31-727.02, 38-170, 39-1108, 58-230, 79-1218, 84-1409, and 84-1412,
3 Reissue Revised Statutes of Nebraska, and sections 2-4108, 58-817,
4 79-2204, 82-803, 84-1411, and 84-1413, Revised Statutes Cumulative
5 Supplement, 2020; to provide for virtual conferencing; to change
6 certain notice of meeting provisions for sanitary and improvement
7 districts; to change provisions of the Open Meetings Act; to
8 prohibit invalidation of public meetings held pursuant to a
9 Governor's Executive Order as prescribed; to provide an exception
10 for certain meetings; to harmonize provisions; to repeal the
11 original sections; and to declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-4108, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 2-4108 At the first meeting of the commission, it shall elect a
4 chairperson from among its members. The commission shall meet at least
5 once every year and at such other times as called by the chairperson or
6 by any three voting members of the commission. The majority of the voting
7 members of the commission shall constitute a quorum for transaction of
8 business. The commission may hold meetings by virtual conferencing
9 ~~teleconference or videoconference~~ subject to the Open Meetings Act. No
10 member shall vote by proxy, and the affirmative vote of the majority of
11 all members of the commission shall be necessary for the adoption of
12 rules and regulations.

13 Sec. 2. Section 24-1204, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 24-1204 In the event of the death, retirement, resignation, or
16 removal of a district, county, or separate juvenile judge or the failure
17 of a district, county, or separate juvenile judge to be retained in
18 office or upon the request of a majority of the members of the Judicial
19 Resources Commission, the commission shall, after holding a public
20 hearing, determine whether a judicial vacancy exists in the affected
21 district or any other judicial district or whether a new judgeship or
22 change in number of judicial districts or boundaries is appropriate. If
23 the commission determines a vacancy exists in a district or county court
24 district, the commission may also make a recommendation to the Supreme
25 Court of the site for a primary office location. The public hearing may
26 include virtual conferencing ~~videoconferencing~~, or, if the judicial
27 workload statistics compiled pursuant to section 24-1007 indicate a need
28 for a number of judges equal to or greater than the number currently
29 authorized by law, the commission may conduct a hearing by telephone
30 conference. If a telephone conference is used, a recording shall be made
31 of the telephone conference and maintained by the commission for at least

1 ~~one year and the telephone conference shall conform to the requirements~~
2 ~~of subsection (2) of section 84-1411,~~ and the commission shall only
3 determine whether a judicial vacancy exists in the affected district and
4 make no other determinations.

5 Sec. 3. Section 31-727.02, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 31-727.02 (1) Except as provided in subsection (5) of section
8 84-1411, the The clerk or administrator of each sanitary and improvement
9 district shall notify any municipality or county within whose zoning
10 jurisdiction such district is located of all meetings of the district
11 board of trustees or called by the administrator by sending a notice of
12 such meeting to the clerk of the municipality or county not less than
13 seven days prior to the date set for any meeting. In the case of meetings
14 called by the administrator, notice shall be provided to the clerk of the
15 district not less than seven days prior to the date set for any meeting.

16 (2) Except as provided in subsection (5) of section 84-1411, within
17 ~~within~~ thirty days after any meeting of a sanitary and improvement
18 district board of trustees or called by the administrator, the clerk or
19 administrator of the district shall transmit to the municipality or
20 county within whose zoning jurisdiction the sanitary and improvement
21 district is located a copy of the minutes of such meeting.

22 Sec. 4. Section 38-170, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-170 The department shall, as far as practicable, provide for the
25 conducting of the business of the boards by mail and may hold meetings by
26 virtual conferencing ~~teleconference or videoconference~~ subject to the
27 Open Meetings Act. Any official action or vote of the members of a board
28 taken by mail shall be preserved in the records of the department and
29 shall be recorded in the board's minutes by the department.

30 Sec. 5. Section 39-1108, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 39-1108 Regular meetings of the State Highway Commission shall be
2 held upon call of the chairperson, but not less than six times per year.
3 Special meetings may be held upon call of the chairperson or pursuant to
4 a call signed by three other members, of which the chairperson shall have
5 three days' written notice.

6 All regular meetings shall be held in suitable offices to be
7 provided in Lincoln unless a majority of the members deem it necessary to
8 hold a regular meeting at another location within this state. Members of
9 the commission may participate by virtual conferencing ~~telephone~~
10 ~~conference call or videoconference~~ as long as the chairperson or vice-
11 chairperson conducts the meeting in an open forum where the public is
12 able to participate by attendance at the scheduled meeting.

13 Five members of the commission constitute a quorum for the
14 transaction of business. Every act of a majority of the members of the
15 commission shall be deemed to be the act of the commission.

16 All meetings shall be open to the public and shall be conducted in
17 accordance with the Open Meetings Act.

18 The minutes of the meetings shall show the action of the commission
19 on matters presented. The minutes shall be open to public inspection.

20 Sec. 6. Section 58-230, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 58-230 Meetings of the members of the authority shall be held at
23 least once every three months to attend to the business of the authority
24 and may be held at the call of the chairperson or whenever any five
25 members so request. Such meetings shall at all times be subject to the
26 Open Meetings Act, and such meetings may be held by means of virtual
27 conferencing ~~videoconferencing~~ in accordance with subsection (2) of
28 section 84-1411.

29 Sec. 7. Section 58-817, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 58-817 Four members of the authority shall constitute a quorum. The

1 affirmative vote of a majority of all of the members of the authority
2 shall be necessary for any action taken by the authority. A vacancy in
3 the membership of the authority shall not impair the right of a quorum to
4 exercise all the rights and perform all the duties of the authority. Any
5 action taken by the authority under the Nebraska Educational, Health,
6 Cultural, and Social Services Finance Authority Act may be authorized by
7 resolution at any regular or special meeting, and each such resolution
8 shall take effect immediately and need not be published or posted.
9 Members of the authority may participate in a regular or special meeting
10 of the authority by virtual conferencing ~~telephone conference call or~~
11 ~~videoconference~~ as long as the chairperson or vice-chairperson conducts
12 the meeting at a location where the public is able to participate by
13 attendance at that location and the virtual conferencing ~~telephone~~
14 ~~conference call or videoconference~~ otherwise conforms to the requirements
15 of subsection (2) subdivisions (2)(a) through (e) of section 84-1411.

16 Sec. 8. Section 79-1218, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-1218 The board of each educational service unit shall meet and
19 organize by naming one of its members as president, one as vice
20 president, and one as secretary. The board shall employ a treasurer who
21 shall be paid a salary to be fixed by the board.

22 The board of the educational service unit shall determine the
23 participation of the educational service unit in providing supplementary
24 educational services. If the board of the educational service unit does
25 not provide supplementary educational services, it shall meet during each
26 succeeding January to determine the participation in providing
27 supplementary educational services for that calendar year. Meetings may
28 be held by means of virtual conferencing in accordance with subsection
29 (2) of section 84-1411 ~~videoconferencing or telephone conference in~~
30 ~~accordance with subsections (2) and (3) of section 84-1411.~~

31 Sec. 9. Section 79-2204, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 79-2204 (1) The State Council on Educational Opportunity for
3 Military Children is created within the department. The council shall
4 consist of:

5 (a) The following ex officio members:

6 (i) The Commissioner of Education;

7 (ii) The chairperson of the Education Committee of the Legislature,
8 who shall serve as a nonvoting member of the council;

9 (iii) The compact commissioner appointed pursuant to section
10 79-2205; and

11 (iv) The military family education liaison, who shall serve as a
12 member of the council after his or her appointment pursuant to subsection
13 (3) of this section; and

14 (b) The following members appointed by the State Board of Education:

15 (i) The superintendent of a school district that has a high
16 concentration of children of military families; and

17 (ii) A representative of a military installation located in this
18 state.

19 (2) The members of the council appointed by the State Board of
20 Education shall serve three-year terms. Vacancies in the council shall be
21 filled in the same manner as the initial appointments. The members of the
22 council shall be reimbursed for expenses as provided in sections 81-1174
23 to 81-1177.

24 (3) The council shall have the following duties:

25 (a) To advise the department with regard to the state's
26 participation in and compliance with the Interstate Compact on
27 Educational Opportunity for Military Children; and

28 (b) To appoint a military family education liaison to assist
29 families and the state in implementing the compact.

30 (4) When the council holds a single meeting in a calendar year, that
31 meeting may be held by virtual conferencing as defined in section 84-1409

1 ~~videoconferencing notwithstanding subdivision (2)(e) of section 84-1411.~~

2 Sec. 10. Section 82-803, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 82-803 (1) The First Regiment Nebraska Volunteer Infantry at Fort
5 Donelson Committee is created. The purpose of the committee is to provide
6 for the creation, production, transportation, installation, and unveiling
7 of the monument. The committee shall consist of: An employee of the
8 Nebraska State Historical Society appointed by the Secretary of State;
9 two members of the public who are members of a local Civil War round
10 table organization appointed by the Secretary of State; a professor of
11 history from the University of Nebraska appointed by the Secretary of
12 State; and the Chairperson of the Government, Military and Veterans
13 Affairs Committee of the Legislature or his or her designee.

14 (2) The members of the committee shall elect a chairperson and vice-
15 chairperson from among its appointed members during the first meeting. A
16 member may be reelected to serve as chairperson or vice-chairperson. The
17 committee shall meet at least twice each calendar year. A majority of the
18 members of the committee shall constitute a quorum.

19 (3) The committee may conduct its meetings by virtual conferencing
20 as defined in section 84-1409 ~~telephone conference call or~~
21 ~~videoconferencing~~, if practicable.

22 (4) The First Regiment Nebraska Volunteer Infantry at Fort Donelson
23 Committee shall, in conformance with regulations of the Fort Donelson
24 National Battlefield:

25 (a) Select a designer, sculptor, and mason, as appropriate, to
26 create a monument and approve the design of the monument;

27 (b) Approve the production of the monument;

28 (c) Approve the method of transportation of the monument to the
29 battlefield and its installation;

30 (d) Approve the unveiling ceremony for the monument; and

31 (e) Approve any other action the committee determines is necessary

1 to achieve its purpose.

2 (5) If there is a vacancy on the committee, the Secretary of State
3 shall fill such vacancy by appointing a member to serve during the
4 unexpired term of the member whose office has become vacant.

5 (6) Members of the committee shall not be paid.

6 (7) The committee shall issue electronically a report to the
7 Government, Military and Veterans Affairs Committee of the Legislature on
8 the progress of the creation, production, and installation of the
9 monument and any other information the committee deems necessary before
10 December 31 of each year.

11 (8) The committee shall terminate upon the completion of its
12 purpose.

13 Sec. 11. Section 84-1409, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 84-1409 For purposes of the Open Meetings Act, unless the context
16 otherwise requires:

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

29 (b) Public body does not include (i) subcommittees of such bodies
30 unless a quorum of the public body attends a subcommittee meeting or
31 unless such subcommittees are holding hearings, making policy, or taking

1 formal action on behalf of their parent body, except that all meetings of
2 any subcommittee established under section 81-15,175 are subject to the
3 Open Meetings Act, and (ii) entities conducting judicial proceedings
4 unless a court or other judicial body is exercising rulemaking authority,
5 deliberating, or deciding upon the issuance of administrative orders;

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

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

13 ~~Videoconferencing means conducting a meeting involving participants at~~
14 ~~two or more locations through the use of audio-video equipment which~~
15 ~~allows participants at each location to hear and see each meeting~~
16 ~~participant at each other location, including public input. Interaction~~
17 ~~between meeting participants shall be possible at all meeting locations.~~

18 Sec. 12. Section 84-1411, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 84-1411 (1)(a) Each public body shall give reasonable advance
21 publicized notice of the time and place of each meeting as provided in
22 this subsection. Such notice shall be transmitted to all members of the
23 public body and to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (v) An educational service unit;

11 (vi) The Educational Service Unit Coordinating Council;

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

15 (viii) A community college board of governors;

16 (ix) The Nebraska Brand Committee;

17 (x) A local public health department;

18 (xi) A metropolitan utilities district;

19 (xii) A regional metropolitan transit authority;

20 (xiii) A natural resources district; and

21 (xiv) The Judicial Resources Commission.

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

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

27 (ii) In addition to the public's right to participate by virtual
28 conferencing, reasonable arrangements are made to accommodate the
29 public's right to attend at a physical site and participate as provided
30 in section 84-1412, including reasonable seating, in at least one
31 designated site in a building open to the public and identified in the

1 notice, with: At least one member of the entity holding such meeting, or
2 his or her designee, present at each site; a recording of the hearing by
3 audio or visual recording devices; and a reasonable opportunity for
4 input, such as public comment or questions, is provided to at least the
5 same extent as would be provided if virtual conferencing was not used;

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

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

26 ~~(2) A meeting of a state agency, state board, state commission,~~
27 ~~state council, or state committee, of an advisory committee of any such~~
28 ~~state entity, of an organization created under the Interlocal Cooperation~~
29 ~~Act, the Joint Public Agency Act, or the Municipal Cooperative Financing~~
30 ~~Act, of the governing body of a public power district having a chartered~~
31 ~~territory of more than one county in this state, of the governing body of~~

1 ~~a public power and irrigation district having a chartered territory of~~
2 ~~more than one county in this state, of a board of an educational service~~
3 ~~unit, of the Educational Service Unit Coordinating Council, of the~~
4 ~~governing body of a risk management pool or its advisory committees~~
5 ~~organized in accordance with the Intergovernmental Risk Management Act,~~
6 ~~or of a community college board of governors may be held by means of~~
7 ~~videoconferencing or, in the case of the Judicial Resources Commission in~~
8 ~~those cases specified in section 24-1204, by telephone conference, if:~~

9 ~~(a) Reasonable advance publicized notice is given as provided in~~
10 ~~subsection (1) of this section;~~

11 ~~(b) Reasonable arrangements are made to accommodate the public's~~
12 ~~right to attend, hear, and speak at the meeting, including seating,~~
13 ~~recordation by audio or visual recording devices, and a reasonable~~
14 ~~opportunity for input such as public comment or questions to at least the~~
15 ~~same extent as would be provided if videoconferencing or telephone~~
16 ~~conferencing was not used;~~

17 ~~(c) At least one copy of all documents being considered is available~~
18 ~~to the public at each site of the videoconference or telephone~~
19 ~~conference;~~

20 ~~(d) At least one member of the state entity, advisory committee,~~
21 ~~board, council, or governing body is present at each site of the~~
22 ~~videoconference or telephone conference, except that a member of an~~
23 ~~organization created under the Interlocal Cooperation Act that sells~~
24 ~~electricity or natural gas at wholesale on a multistate basis, an~~
25 ~~organization created under the Municipal Cooperative Financing Act, or a~~
26 ~~governing body of a risk management pool or an advisory committee of such~~
27 ~~organization or pool may designate a nonvoting designee, who shall not be~~
28 ~~included as part of the quorum, to be present at any site; and~~

29 ~~(e)(i) Except as provided in subdivision (2)(e)(ii) of this section,~~
30 ~~no more than one-half of the state entity's, advisory committee's,~~
31 ~~board's, council's, or governing body's meetings in a calendar year are~~

1 held by videoconference or telephone conference; or

2 (ii) In the case of an organization created under the Interlocal
3 Cooperation Act that sells electricity or natural gas at wholesale on a
4 multistate basis or an organization created under the Municipal
5 Cooperative Financing Act, such organization holds at least one meeting
6 each calendar year that is not by videoconferencing or telephone
7 conferencing.

8 Videoconferencing, telephone conferencing, or conferencing by other
9 electronic communication shall not be used to circumvent any of the
10 public government purposes established in the Open Meetings Act.

11 (3) A meeting of a board of an educational service unit, of the
12 Educational Service Unit Coordinating Council, of the governing body of
13 an entity formed under the Interlocal Cooperation Act, the Joint Public
14 Agency Act, or the Municipal Cooperative Financing Act, of the governing
15 body of a risk management pool or its advisory committees organized in
16 accordance with the Intergovernmental Risk Management Act, of a community
17 college board of governors, of the governing body of a public power
18 district, of the governing body of a public power and irrigation
19 district, or of the Nebraska Brand Committee may be held by telephone
20 conference call if:

21 (a) The territory represented by the educational service unit,
22 member educational service units, community college board of governors,
23 public power district, public power and irrigation district, Nebraska
24 Brand Committee, or member public agencies of the entity or pool covers
25 more than one county;

26 (b) Reasonable advance publicized notice is given as provided in
27 subsection (1) of this section which identifies each telephone conference
28 location at which there will be present: (i) A member of the educational
29 service unit board, council, community college board of governors,
30 governing body of a public power district, governing body of a public
31 power and irrigation district, Nebraska Brand Committee, or entity's or

1 ~~pool's governing body; or (ii) a nonvoting designee designated under~~
2 ~~subdivision (3)(f) of this section;~~

3 ~~(c) All telephone conference meeting sites identified in the notice~~
4 ~~are located within public buildings used by members of the educational~~
5 ~~service unit board, council, community college board of governors,~~
6 ~~governing body of the public power district, governing body of the public~~
7 ~~power and irrigation district, Nebraska Brand Committee, or entity or~~
8 ~~pool or at a place which will accommodate the anticipated audience;~~

9 ~~(d) Reasonable arrangements are made to accommodate the public's~~
10 ~~right to attend, hear, and speak at the meeting, including seating,~~
11 ~~recordation by audio recording devices, and a reasonable opportunity for~~
12 ~~input such as public comment or questions to at least the same extent as~~
13 ~~would be provided if a telephone conference call was not used;~~

14 ~~(e) At least one copy of all documents being considered is available~~
15 ~~to the public at each site of the telephone conference call;~~

16 ~~(f) At least one member of the educational service unit board,~~
17 ~~council, community college board of governors, governing body of the~~
18 ~~public power district, governing body of the public power and irrigation~~
19 ~~district, Nebraska Brand Committee, or governing body of the entity or~~
20 ~~pool is present at each site of the telephone conference call identified~~
21 ~~in the public notice, except that a member of an organization created~~
22 ~~under the Interlocal Cooperation Act that sells electricity or natural~~
23 ~~gas at wholesale on a multistate basis, an organization created under the~~
24 ~~Municipal Cooperative Financing Act, or a governing body of a risk~~
25 ~~management pool or an advisory committee of such organization or pool may~~
26 ~~designate a nonvoting designee, who shall not be included as part of the~~
27 ~~quorum, to be present at any site;~~

28 ~~(g) The telephone conference call lasts no more than five hours; and~~

29 ~~(h) No more than one-half of the board's, council's, governing~~
30 ~~body's, committee's, entity's, or pool's meetings in a calendar year are~~
31 ~~held by telephone conference call, except that:~~

1 ~~(i) The governing body of a risk management pool that meets at least~~
2 ~~quarterly and the advisory committees of the governing body may each hold~~
3 ~~more than one-half of its meetings by telephone conference call if the~~
4 ~~governing body's quarterly meetings are not held by telephone conference~~
5 ~~call or videoconferencing; and~~

6 ~~(ii) An organization created under the Interlocal Cooperation Act~~
7 ~~that sells electricity or natural gas at wholesale on a multistate basis~~
8 ~~or an organization created under the Municipal Cooperative Financing Act~~
9 ~~may hold more than one-half of its meetings by telephone conference call~~
10 ~~if the organization holds at least one meeting each calendar year that is~~
11 ~~not by videoconferencing or telephone conference call.~~

12 ~~(3) Virtual conferencing Nothing in this subsection shall prevent~~
13 ~~the participation of consultants, members of the press, and other~~
14 ~~nonmembers of the governing body at sites not identified in the public~~
15 ~~notice. Telephone conference calls, emails, faxes, or other electronic~~
16 ~~communication shall not be used to circumvent any of the public~~
17 ~~government purposes established in the Open Meetings Act.~~

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

23 (5) When it is necessary to hold an emergency meeting without
24 reasonable advance public notice, the nature of the emergency shall be
25 stated in the minutes and any formal action taken in such meeting shall
26 pertain only to the emergency. Such emergency meetings may be held by
27 virtual conferencing means of electronic or telecommunication equipment.
28 The provisions of subsection (4) of this section shall be complied with
29 in conducting emergency meetings. Complete minutes of such emergency
30 meetings specifying the nature of the emergency and any formal action
31 taken at the meeting shall be made available to the public by no later

1 than the end of the next regular business day.

2 (6) A public body may allow a member of the public or any other
3 witness ~~other than a member of the public body~~ to appear before the
4 public body by means of virtual conferencing video or telecommunications
5 equipment.

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

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

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

29 Sec. 13. Section 84-1412, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 84-1412 (1) Subject to the Open Meetings Act, the public has the

1 right to attend and the right to speak at meetings of public bodies, and
2 all or any part of a meeting of a public body, except for closed sessions
3 called pursuant to section 84-1410, may be videotaped, televised,
4 photographed, broadcast, or recorded by any person in attendance by means
5 of a tape recorder, a camera, video equipment, or any other means of
6 pictorial or sonic reproduction or in writing.

7 (2) It shall not be a violation of subsection (1) of this section
8 for any public body to make and enforce reasonable rules and regulations
9 regarding the conduct of persons attending, speaking at, videotaping,
10 televising, photographing, broadcasting, or recording its meetings,
11 including meetings held by virtual conferencing. A body may not be
12 required to allow citizens to speak at each meeting, but it may not
13 forbid public participation at all meetings.

14 (3) No public body shall require members of the public to identify
15 themselves as a condition for admission to the meeting nor shall such
16 body require that the name of any member of the public be placed on the
17 agenda prior to such meeting in order to speak about items on the agenda.
18 The body shall ~~may~~ require any member of the public desiring to address
19 the body to identify himself or herself, including an address and the
20 name of any organization represented by such person unless the address
21 requirement is waived to protect the security of the individual.

22 (4) No public body shall, for the purpose of circumventing the Open
23 Meetings Act, hold a meeting in a place known by the body to be too small
24 to accommodate the anticipated audience.

25 (5) No public body shall be deemed in violation of this section if
26 it holds its meeting in its traditional meeting place which is located in
27 this state.

28 (6) No public body shall be deemed in violation of this section if
29 it holds a meeting outside of this state if, but only if:

30 (a) A member entity of the public body is located outside of this
31 state and the meeting is in that member's jurisdiction;

1 (b) All out-of-state locations identified in the notice are located
2 within public buildings used by members of the entity or at a place which
3 will accommodate the anticipated audience;

4 (c) Reasonable arrangements are made to accommodate the public's
5 right to attend, hear, and speak at the meeting, including making virtual
6 conferencing ~~a telephone conference call~~ available at an instate location
7 to members, the public, or the press, if requested twenty-four hours in
8 advance;

9 (d) No more than twenty-five percent of the public body's meetings
10 in a calendar year are held out-of-state;

11 (e) Out-of-state meetings are not used to circumvent any of the
12 public government purposes established in the Open Meetings Act; and

13 ~~(f) Reasonable arrangements are made to provide viewing at other~~
14 ~~instate locations for a videoconference meeting if requested fourteen~~
15 ~~days in advance and if economically and reasonably available in the area;~~
16 ~~and~~

17 ~~(f)~~ ~~(g)~~ The public body publishes notice of the out-of-state meeting
18 at least twenty-one days before the date of the meeting in a legal
19 newspaper of statewide circulation.

20 (7) Each ~~The~~ public body shall, upon request, make a reasonable
21 effort to accommodate the public's right to hear the discussion and
22 testimony presented at a ~~the~~ meeting.

23 (8) Public bodies shall make available at the meeting or the instate
24 location for virtual conferencing as required by subdivision (6)(c) of
25 this section ~~a telephone conference call or videoconference~~, for
26 examination and copying by members of the public, at least one copy of
27 all reproducible written material to be discussed at an open meeting,
28 either in paper or electronic form. Public bodies shall make available at
29 least one current copy of the Open Meetings Act posted in the meeting
30 room at a location accessible to members of the public. At the beginning
31 of the meeting, the public shall be informed about the location of the

1 posted information.

2 Sec. 14. Section 84-1413, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 84-1413 (1) Each public body shall keep minutes of all meetings
5 showing the time, place, members present and absent, and the substance of
6 all matters discussed.

7 (2) Any action taken on any question or motion duly moved and
8 seconded shall be by roll call vote of the public body in open session,
9 and the record shall state how each member voted or if the member was
10 absent or not voting. The requirements of a roll call or viva voce vote
11 shall be satisfied by a public body which utilizes an electronic voting
12 device which allows the yeas and nays of each member of such public body
13 to be readily seen by the public.

14 (3) The vote to elect leadership within a public body may be taken
15 by secret ballot, but the total number of votes for each candidate shall
16 be recorded in the minutes.

17 (4) The minutes of all meetings and evidence and documentation
18 received or disclosed in open session shall be public records and open to
19 public inspection during normal business hours.

20 (5) Minutes shall be written, except as provided in subsection (6)
21 of this section, and available for inspection within ten working days or
22 prior to the next convened meeting, whichever occurs earlier, except that
23 cities of the second class and villages may have an additional ten
24 working days if the employee responsible for writing the minutes is
25 absent due to a serious illness or emergency.

26 (6) Minutes of the meetings of the board of a school district or
27 educational service unit may be kept as an electronic record.

28 (7) Beginning July 31, 2022, the governing body of a natural
29 resources district, the city council of a city of the metropolitan class,
30 the city council of a city of the primary class, the city council of a
31 city of the first class, the county board of a county with a population

1 greater than twenty-five thousand inhabitants, and the school board of a
2 school district shall make available on such entity's public web site the
3 agenda and minutes of any meeting of the governing body. The agenda shall
4 be placed on the web site at least twenty-four hours before the meeting
5 of the governing body. Minutes shall be placed on the web site at such
6 time as the minutes are available for inspection as provided in
7 subsection (5) of this section. This information shall be available on
8 the public web site for at least six months.

9 Sec. 15. No motion, resolution, rule, regulation, ordinance, or
10 formal action made, adopted, passed, or taken at a meeting as defined in
11 section 84-1409 of a public body as defined in such section shall be
12 invalidated because such motion, resolution, rule, regulation, ordinance,
13 or formal action was made, adopted, passed, or taken at a meeting or
14 meetings on or after March 17, 2020, and on or before April 30, 2021,
15 pursuant to a Governor's Executive Order which waived certain
16 requirements of the Open Meetings Act.

17 Sec. 16. Original sections 24-1204, 31-727.02, 38-170, 39-1108,
18 58-230, 79-1218, 84-1409, and 84-1412, Reissue Revised Statutes of
19 Nebraska, and sections 2-4108, 58-817, 79-2204, 82-803, 84-1411, and
20 84-1413, Revised Statutes Cumulative Supplement, 2020, are repealed.

21 Sec. 17. Since an emergency exists, this act takes effect when
22 passed and approved according to law.