

AMENDMENTS TO LB1167

Introduced by Brewer, 43.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 64-401, Revised Statutes Supplement, 2019, is
4 amended to read:

5 64-401 Sections 64-401 to 64-418 and section 2 of this act shall be
6 known and may be cited as the Online Notary Public Act.

7 Sec. 2. No otherwise valid online notarial act performed on or
8 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
9 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
10 because it was performed prior to the operative date of Laws 2019, LB186.

11 Sec. 3. Section 84-1411, Revised Statutes Supplement, 2019, is
12 amended to read:

13 84-1411 (1) Each public body shall give reasonable advance
14 publicized notice of the time and place of each meeting by a method
15 designated by each public body and recorded in its minutes. Such notice
16 shall be transmitted to all members of the public body and to the public.
17 Such notice shall contain an agenda of subjects known at the time of the
18 publicized notice or a statement that the agenda, which shall be kept
19 continually current, shall be readily available for public inspection at
20 the principal office of the public body during normal business hours.
21 Agenda items shall be sufficiently descriptive to give the public
22 reasonable notice of the matters to be considered at the meeting. Except
23 for items of an emergency nature, the agenda shall not be altered later
24 than (a) twenty-four hours before the scheduled commencement of the
25 meeting or (b) forty-eight hours before the scheduled commencement of a
26 meeting of a city council or village board scheduled outside the
27 corporate limits of the municipality. The public body shall have the

1 right to modify the agenda to include items of an emergency nature only
2 at such public meeting.

3 (2) Except as otherwise provided in subsection (7) of this section,
4 a A meeting of a state agency, state board, state commission, state
5 council, or state committee, of an advisory committee of any such state
6 entity, of an organization created under the Interlocal Cooperation Act,
7 the Joint Public Agency Act, or the Municipal Cooperative Financing Act,
8 of the governing body of a public power district having a chartered
9 territory of more than one county in this state, of the governing body of
10 a public power and irrigation district having a chartered territory of
11 more than one county in this state, of a board of an educational service
12 unit, of the Educational Service Unit Coordinating Council, of the
13 governing body of a risk management pool or its advisory committees
14 organized in accordance with the Intergovernmental Risk Management Act,
15 or of a community college board of governors may be held by means of
16 videoconferencing or, in the case of the Judicial Resources Commission in
17 those cases specified in section 24-1204, by telephone conference, if:

18 (a) Reasonable advance publicized notice is given;

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

25 (c) At least one copy of all documents being considered is available
26 to the public at each site of the videoconference or telephone
27 conference;

28 (d) At least one member of the state entity, advisory committee,
29 board, council, or governing body is present at each site of the
30 videoconference or telephone conference, except that a member of an
31 organization created under the Interlocal Cooperation Act that sells

1 electricity or natural gas at wholesale on a multistate basis, an
2 organization created under the Municipal Cooperative Financing Act, or a
3 governing body of a risk management pool or an advisory committee of such
4 organization or pool may designate a nonvoting designee, who shall not be
5 included as part of the quorum, to be present at any site; and

6 (e)(i) Except as provided in subdivision (2)(e)(ii) of this section,
7 no more than one-half of the state entity's, advisory committee's,
8 board's, council's, or governing body's meetings in a calendar year are
9 held by videoconference or telephone conference; or

10 (ii) In the case of an organization created under the Interlocal
11 Cooperation Act that sells electricity or natural gas at wholesale on a
12 multistate basis or an organization created under the Municipal
13 Cooperative Financing Act, such organization holds at least one meeting
14 each calendar year that is not by videoconferencing or telephone
15 conferencing.

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

19 (3) Except as otherwise provided in subsection (7) of this section,
20 a A meeting of a board of an educational service unit, of the Educational
21 Service Unit Coordinating Council, of the governing body of an entity
22 formed under the Interlocal Cooperation Act, the Joint Public Agency Act,
23 or the Municipal Cooperative Financing Act, of the governing body of a
24 risk management pool or its advisory committees organized in accordance
25 with the Intergovernmental Risk Management Act, of a community college
26 board of governors, of the governing body of a public power district, of
27 the governing body of a public power and irrigation district, or of the
28 Nebraska Brand Committee may be held by telephone conference call if:

29 (a) The territory represented by the educational service unit,
30 member educational service units, community college board of governors,
31 public power district, public power and irrigation district, Nebraska

1 Brand Committee, or member public agencies of the entity or pool covers
2 more than one county;

3 (b) Reasonable advance publicized notice is given which identifies
4 each telephone conference location at which there will be present: (i) A
5 member of the educational service unit board, council, community college
6 board of governors, governing body of a public power district, governing
7 body of a public power and irrigation district, Nebraska Brand Committee,
8 or entity's or pool's governing body; or (ii) A nonvoting designee
9 designated under subdivision (3)(f) of this section;

10 (c) All telephone conference meeting sites identified in the notice
11 are located within public buildings used by members of the educational
12 service unit board, council, community college board of governors,
13 governing body of the public power district, governing body of the public
14 power and irrigation district, Nebraska Brand Committee, or entity or
15 pool or at a place which will accommodate the anticipated audience;

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

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

23 (f) At least one member of the educational service unit board,
24 council, community college board of governors, governing body of the
25 public power district, governing body of the public power and irrigation
26 district, Nebraska Brand Committee, or governing body of the entity or
27 pool is present at each site of the telephone conference call identified
28 in the public notice, except that a member of an organization created
29 under the Interlocal Cooperation Act that sells electricity or natural
30 gas at wholesale on a multistate basis, an organization created under the
31 Municipal Cooperative Financing Act, or a governing body of a risk

1 management pool or an advisory committee of such organization or pool may
2 designate a nonvoting designee, who shall not be included as part of the
3 quorum, to be present at any site;

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

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

8 (i) The governing body of a risk management pool that meets at least
9 quarterly and the advisory committees of the governing body may each hold
10 more than one-half of its meetings by telephone conference call if the
11 governing body's quarterly meetings are not held by telephone conference
12 call or videoconferencing; and

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

19 Nothing in this subsection shall prevent the participation of
20 consultants, members of the press, and other nonmembers of the governing
21 body at sites not identified in the public notice. Telephone conference
22 calls, emails, faxes, or other electronic communication shall not be used
23 to circumvent any of the public government purposes established in the
24 Open Meetings Act.

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

30 (5) When it is necessary to hold an emergency meeting without
31 reasonable advance public notice, the nature of the emergency shall be

1 stated in the minutes and any formal action taken in such meeting shall
2 pertain only to the emergency. Such emergency meetings may be held by
3 means of electronic or telecommunication equipment. The provisions of
4 subsection (4) of this section shall be complied with in conducting
5 emergency meetings. Complete minutes of such emergency meetings
6 specifying the nature of the emergency and any formal action taken at the
7 meeting shall be made available to the public by no later than the end of
8 the next regular business day.

9 (6) A public body may allow a member of the public or any other
10 witness other than a member of the public body to appear before the
11 public body by means of video or telecommunications equipment.

12 (7)(a) This subsection applies until July 1, 2021.

13 (b) Notwithstanding subsections (2) and (3) of this section, to hold
14 a meeting during a health crisis, a public body shall give reasonable
15 advance publicized notice as described in subsection (1) of this section.
16 The notice shall include information regarding access for the public and
17 news media. Such meeting may be held by means of videoconferencing or
18 telephone conferencing. The public body may hold such meeting for the
19 purpose of briefing, discussion of public business, formation of
20 tentative policy, or the taking of any action of the public body.

21 (c) The public body shall provide access by providing a public,
22 toll-free, dial-in number or a free-of-charge videoconference link and a
23 link to an electronic copy of the agenda and all documents being
24 considered at the meeting. Reasonable arrangements shall be made to
25 accommodate the public's right to hear and speak at the meeting and
26 record the meeting. A public body may not be required to allow citizens
27 to speak at each meeting held pursuant to this subsection, but it may not
28 forbid public participation at all such meetings. Subsection (4) of this
29 section shall be complied with in conducting such meetings.

30 (d) The nature of the health crisis shall be stated in the minutes.
31 Complete minutes of such meeting specifying the nature of the health

1 crisis and any formal action taken at the meeting shall be made available
2 for inspection as provided in subsections (5) and (6) of section 84-1413.

3 (e) For purposes of this subsection, health crisis means a situation
4 in which a state of emergency proclamation has been issued by the
5 Governor as provided in section 81-829.40 or by the principal executive
6 officer of a local government as provided in section 81-829.50 for any
7 contagious, infectious, epidemic, or pandemic disease or illness. The
8 health crisis shall be limited to the duration of such emergency
9 proclamation.

10 Sec. 4. Original sections 64-401 and 84-1411, Revised Statutes
11 Supplement, 2019, are repealed.

12 Sec. 5. Since an emergency exists, this act takes effect when
13 passed and approved according to law.