

E AND R AMENDMENTS TO LB 83

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3 Section 1. Section 2-4108, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

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

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

17 24-1204 In the event of the death, retirement, resignation, or
18 removal of a district, county, or separate juvenile judge or the failure
19 of a district, county, or separate juvenile judge to be retained in
20 office or upon the request of a majority of the members of the Judicial
21 Resources Commission, the commission shall, after holding a public
22 hearing, determine whether a judicial vacancy exists in the affected
23 district or any other judicial district or whether a new judgeship or
24 change in number of judicial districts or boundaries is appropriate. If
25 the commission determines a vacancy exists in a district or county court
26 district, the commission may also make a recommendation to the Supreme
27 Court of the site for a primary office location. The public hearing may

1 include virtual conferencing ~~videoconferencing~~, or, if the judicial
2 workload statistics compiled pursuant to section 24-1007 indicate a need
3 for a number of judges equal to or greater than the number currently
4 authorized by law, the commission may conduct a hearing by telephone
5 conference. If a telephone conference is used, a recording shall be made
6 of the telephone conference and maintained by the commission for at least
7 one year ~~and the telephone conference shall conform to the requirements~~
8 ~~of subsection (2) of section 84-1411~~, and the commission shall only
9 determine whether a judicial vacancy exists in the affected district and
10 make no other determinations.

11 Sec. 3. Section 38-170, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-170 The department shall, as far as practicable, provide for the
14 conducting of the business of the boards by mail and may hold meetings by
15 teleconference or virtual conference ~~videoconference~~ subject to the Open
16 Meetings Act. Any official action or vote of the members of a board taken
17 by mail shall be preserved in the records of the department and shall be
18 recorded in the board's minutes by the department.

19 Sec. 4. Section 39-1108, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-1108 Regular meetings of the State Highway Commission shall be
22 held upon call of the chairperson, but not less than six times per year.
23 Special meetings may be held upon call of the chairperson or pursuant to
24 a call signed by three other members, of which the chairperson shall have
25 three days' written notice.

26 All regular meetings shall be held in suitable offices to be
27 provided in Lincoln unless a majority of the members deem it necessary to
28 hold a regular meeting at another location within this state. Members of
29 the commission may participate by telephone conference call or
30 videoconference or virtual conference as long as the chairperson or vice-
31 chairperson conducts the meeting in an open forum where the public is

1 able to participate by attendance at the scheduled meeting.

2 Five members of the commission constitute a quorum for the
3 transaction of business. Every act of a majority of the members of the
4 commission shall be deemed to be the act of the commission.

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

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

9 Sec. 5. Section 58-230, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 58-230 Meetings of the members of the authority shall be held at
12 least once every three months to attend to the business of the authority
13 and may be held at the call of the chairperson or whenever any five
14 members so request. Such meetings shall at all times be subject to the
15 Open Meetings Act, and such meetings may be held by means of virtual
16 conferencing ~~videoconferencing~~ in accordance with subsection (2) of
17 section 84-1411.

18 Sec. 6. Section 58-817, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 58-817 Four members of the authority shall constitute a quorum. The
21 affirmative vote of a majority of all of the members of the authority
22 shall be necessary for any action taken by the authority. A vacancy in
23 the membership of the authority shall not impair the right of a quorum to
24 exercise all the rights and perform all the duties of the authority. Any
25 action taken by the authority under the Nebraska Educational, Health,
26 Cultural, and Social Services Finance Authority Act may be authorized by
27 resolution at any regular or special meeting, and each such resolution
28 shall take effect immediately and need not be published or posted.
29 Members of the authority may participate in a regular or special meeting
30 of the authority by telephone conference call or virtual conference
31 ~~videoconference~~ as long as the chairperson or vice-chairperson conducts

1 the meeting at a location where the public is able to participate by
2 attendance at that location and the telephone conference call or virtual
3 conference ~~videoconference~~ otherwise conforms to the requirements of
4 subsection (2) subdivisions (2)(a) through (e) of section 84-1411.

5 Sec. 7. Section 79-1218, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-1218 The board of each educational service unit shall meet and
8 organize by naming one of its members as president, one as vice
9 president, and one as secretary. The board shall employ a treasurer who
10 shall be paid a salary to be fixed by the board.

11 The board of the educational service unit shall determine the
12 participation of the educational service unit in providing supplementary
13 educational services. If the board of the educational service unit does
14 not provide supplementary educational services, it shall meet during each
15 succeeding January to determine the participation in providing
16 supplementary educational services for that calendar year. Meetings may
17 be held by means of virtual conferencing in accordance with subsection
18 (2) of section 84-1411 ~~videoconferencing~~ or telephone conference ~~in~~
19 ~~accordance with subsections (2) and (3) of section 84-1411.~~

20 Sec. 8. Section 79-2204, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 79-2204 (1) The State Council on Educational Opportunity for
23 Military Children is created within the department. The council shall
24 consist of:

25 (a) The following ex officio members:

26 (i) The Commissioner of Education;

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

29 (iii) The compact commissioner appointed pursuant to section
30 79-2205; and

31 (iv) The military family education liaison, who shall serve as a

1 member of the council after his or her appointment pursuant to subsection
2 (3) of this section; and

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

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

6 (ii) A representative of a military installation located in this
7 state.

8 (2) The members of the council appointed by the State Board of
9 Education shall serve three-year terms. Vacancies in the council shall be
10 filled in the same manner as the initial appointments. The members of the
11 council shall be reimbursed for expenses as provided in sections 81-1174
12 to 81-1177.

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

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

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

19 (4) When the council holds a single meeting in a calendar year, that
20 meeting may be held by virtual conferencing ~~videoconferencing~~
21 notwithstanding subsection (2) ~~subdivision (2)(e)~~ of section 84-1411.

22 Sec. 9. Section 82-803, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 82-803 (1) The First Regiment Nebraska Volunteer Infantry at Fort
25 Donelson Committee is created. The purpose of the committee is to provide
26 for the creation, production, transportation, installation, and unveiling
27 of the monument. The committee shall consist of: An employee of the
28 Nebraska State Historical Society appointed by the Secretary of State;
29 two members of the public who are members of a local Civil War round
30 table organization appointed by the Secretary of State; a professor of
31 history from the University of Nebraska appointed by the Secretary of

1 State; and the Chairperson of the Government, Military and Veterans
2 Affairs Committee of the Legislature or his or her designee.

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

8 (3) The committee may conduct its meetings by telephone conference
9 call, ~~or~~ videoconferencing, or virtual conferencing, if practicable.

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

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

15 (b) Approve the production of the monument;

16 (c) Approve the method of transportation of the monument to the
17 battlefield and its installation;

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

19 (e) Approve any other action the committee determines is necessary
20 to achieve its purpose.

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

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

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

30 (8) The committee shall terminate upon the completion of its
31 purpose.

1 Sec. 10. Section 84-1409, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 84-1409 For purposes of the Open Meetings Act, unless the context
4 otherwise requires:

5 (1)(a) Public body means (i) governing bodies of all political
6 subdivisions of the State of Nebraska, (ii) governing bodies of all
7 agencies, created by the Constitution of Nebraska, statute, or otherwise
8 pursuant to law, of the executive department of the State of Nebraska,
9 (iii) all independent boards, commissions, bureaus, committees, councils,
10 subunits, or any other bodies created by the Constitution of Nebraska,
11 statute, or otherwise pursuant to law, (iv) all study or advisory
12 committees of the executive department of the State of Nebraska whether
13 having continuing existence or appointed as special committees with
14 limited existence, (v) advisory committees of the bodies referred to in
15 subdivisions (i), (ii), and (iii) of this subdivision, and (vi)
16 instrumentalities exercising essentially public functions; and

17 (b) Public body does not include (i) subcommittees of such bodies
18 unless a quorum of the public body attends a subcommittee meeting or
19 unless such subcommittees are holding hearings, making policy, or taking
20 formal action on behalf of their parent body, except that all meetings of
21 any subcommittee established under section 81-15,175 are subject to the
22 Open Meetings Act, and (ii) entities conducting judicial proceedings
23 unless a court or other judicial body is exercising rulemaking authority,
24 deliberating, or deciding upon the issuance of administrative orders;

25 (2) Meeting means all regular, special, or called meetings, formal
26 or informal, of any public body for the purposes of briefing, discussion
27 of public business, formation of tentative policy, or the taking of any
28 action of the public body; and

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

1 ~~Videoconferencing means conducting a meeting involving participants at~~
2 ~~two or more locations through the use of audio video equipment which~~
3 ~~allows participants at each location to hear and see each meeting~~
4 ~~participant at each other location, including public input. Interaction~~
5 ~~between meeting participants shall be possible at all meeting locations.~~

6 Sec. 11. Section 84-1411, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 84-1411 (1)(a) Each public body shall give reasonable advance
9 publicized notice of the time and place of each meeting as provided in
10 this subsection. Such notice shall be transmitted to all members of the
11 public body and to the public.

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

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

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

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

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

29 (c) In addition to a method of notice required by subdivision (1)(b)
30 (i) or (ii) of this section, such notice may also be provided by any
31 other appropriate method designated by such public body or such advisory

1 committee.

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

4 (e) Such notice shall contain an agenda of subjects known at the
5 time of the publicized notice or a statement that the agenda, which shall
6 be kept continually current, shall be readily available for public
7 inspection at the principal office of the public body during normal
8 business hours. Agenda items shall be sufficiently descriptive to give
9 the public reasonable notice of the matters to be considered at the
10 meeting. Except for items of an emergency nature, the agenda shall not be
11 altered later than (i) twenty-four hours before the scheduled
12 commencement of the meeting or (ii) forty-eight hours before the
13 scheduled commencement of a meeting of a city council or village board
14 scheduled outside the corporate limits of the municipality. The public
15 body shall have the right to modify the agenda to include items of an
16 emergency nature only at such public meeting.

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

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

22 (ii) An organization, including the governing body, created under
23 the Interlocal Cooperation Act, the Joint Public Agency Act, or the
24 Municipal Cooperative Financing Act;

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

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

29 (v) An educational service unit;

30 (vi) The Educational Service Unit Coordinating Council;

31 (vii) An organization, including the governing body, of a risk

1 management pool or its advisory committees organized in accordance with
2 the Intergovernmental Risk Management Act;

3 (viii) A community college board of governors;

4 (ix) The Nebraska Brand Committee;

5 (x) A local public health department;

6 (xi) A metropolitan utilities district;

7 (xii) A regional metropolitan transit authority;

8 (xiii) A natural resources district; and

9 (xiv) The Judicial Resources Commission.

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

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

15 (ii) In addition to the public's right to participate by virtual
16 conferencing, reasonable arrangements are made to accommodate the
17 public's right to attend at a physical site and participate as provided
18 in section 84-1412, including seating, in at least one designated site in
19 a building open to the public and identified in the notice, with: At
20 least one member of the entity holding such meeting, or his or her
21 designee, present at each site; a recording of the hearing by audio or
22 visual recording devices; and a reasonable opportunity for input, such as
23 public comment or questions, is provided to at least the same extent as
24 would be provided if virtual conferencing was not used;

25 (iii) At least one copy of all documents being considered at the
26 meeting is available at any physical site open to the public where
27 individuals may attend the virtual conference. The public body shall also
28 provide links to an electronic copy of the agenda, all documents being
29 considered at the meeting, and the current version of the Open Meetings
30 Act; and

31 (iv) Except as otherwise provided in this subdivision, no more than

1 one-half of the meetings of the state entities, advisory committees,
2 boards, councils, organizations, or governing bodies are held by virtual
3 conferencing in a calendar year. In the case of an organization created
4 under the Interlocal Cooperation Act that sells electricity or natural
5 gas at wholesale on a multistate basis or an organization created under
6 the Municipal Cooperative Financing Act, the organization may hold more
7 than one-half of its meetings by virtual conferencing if such
8 organization holds at least one meeting each calendar year that is not by
9 virtual conferencing. The governing body of a risk management pool that
10 meets at least quarterly and the advisory committees of the governing
11 body may each hold more than one-half of its meetings by virtual
12 conferencing if the governing body's quarterly meetings are not held by
13 virtual conferencing.

14 ~~(2) A meeting of a state agency, state board, state commission,~~
15 ~~state council, or state committee, of an advisory committee of any such~~
16 ~~state entity, of an organization created under the Interlocal Cooperation~~
17 ~~Act, the Joint Public Agency Act, or the Municipal Cooperative Financing~~
18 ~~Act, of the governing body of a public power district having a chartered~~
19 ~~territory of more than one county in this state, of the governing body of~~
20 ~~a public power and irrigation district having a chartered territory of~~
21 ~~more than one county in this state, of a board of an educational service~~
22 ~~unit, of the Educational Service Unit Coordinating Council, of the~~
23 ~~governing body of a risk management pool or its advisory committees~~
24 ~~organized in accordance with the Intergovernmental Risk Management Act,~~
25 ~~or of a community college board of governors may be held by means of~~
26 ~~videoconferencing or, in the case of the Judicial Resources Commission in~~
27 ~~those cases specified in section 24-1204, by telephone conference, if:~~

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

30 ~~(b) Reasonable arrangements are made to accommodate the public's~~
31 ~~right to attend, hear, and speak at the meeting, including seating,~~

1 ~~recordation by audio or visual recording devices, and a reasonable~~
2 ~~opportunity for input such as public comment or questions to at least the~~
3 ~~same extent as would be provided if videoconferencing or telephone~~
4 ~~conferencing was not used;~~

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

8 ~~(d) At least one member of the state entity, advisory committee,~~
9 ~~board, council, or governing body is present at each site of the~~
10 ~~videoconference or telephone conference, except that a member of an~~
11 ~~organization created under the Interlocal Cooperation Act that sells~~
12 ~~electricity or natural gas at wholesale on a multistate basis, an~~
13 ~~organization created under the Municipal Cooperative Financing Act, or a~~
14 ~~governing body of a risk management pool or an advisory committee of such~~
15 ~~organization or pool may designate a nonvoting designee, who shall not be~~
16 ~~included as part of the quorum, to be present at any site; and~~

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

21 ~~(ii) In the case of an organization created under the Interlocal~~
22 ~~Cooperation Act that sells electricity or natural gas at wholesale on a~~
23 ~~multistate basis or an organization created under the Municipal~~
24 ~~Cooperative Financing Act, such organization holds at least one meeting~~
25 ~~each calendar year that is not by videoconferencing or telephone~~
26 ~~conferencing.~~

27 ~~Videoconferencing, telephone conferencing, or conferencing by other~~
28 ~~electronic communication shall not be used to circumvent any of the~~
29 ~~public government purposes established in the Open Meetings Act.~~

30 ~~(3) A meeting of a board of an educational service unit, of the~~
31 ~~Educational Service Unit Coordinating Council, of the governing body of~~

1 ~~an entity formed under the Interlocal Cooperation Act, the Joint Public~~
2 ~~Agency Act, or the Municipal Cooperative Financing Act, of the governing~~
3 ~~body of a risk management pool or its advisory committees organized in~~
4 ~~accordance with the Intergovernmental Risk Management Act, of a community~~
5 ~~college board of governors, of the governing body of a public power~~
6 ~~district, of the governing body of a public power and irrigation~~
7 ~~district, or of the Nebraska Brand Committee may be held by telephone~~
8 ~~conference call if:~~

9 ~~(a) The territory represented by the educational service unit,~~
10 ~~member educational service units, community college board of governors,~~
11 ~~public power district, public power and irrigation district, Nebraska~~
12 ~~Brand Committee, or member public agencies of the entity or pool covers~~
13 ~~more than one county;~~

14 ~~(b) Reasonable advance publicized notice is given as provided in~~
15 ~~subsection (1) of this section which identifies each telephone conference~~
16 ~~location at which there will be present: (i) A member of the educational~~
17 ~~service unit board, council, community college board of governors,~~
18 ~~governing body of a public power district, governing body of a public~~
19 ~~power and irrigation district, Nebraska Brand Committee, or entity's or~~
20 ~~pool's governing body; or (ii) a nonvoting designee designated under~~
21 ~~subdivision (3)(f) of this section;~~

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

28 ~~(d) Reasonable arrangements are made to accommodate the public's~~
29 ~~right to attend, hear, and speak at the meeting, including seating,~~
30 ~~recordation by audio recording devices, and a reasonable opportunity for~~
31 ~~input such as public comment or questions to at least the same extent as~~

1 ~~would be provided if a telephone conference call was not used;~~

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

4 ~~(f) At least one member of the educational service unit board,~~
5 ~~council, community college board of governors, governing body of the~~
6 ~~public power district, governing body of the public power and irrigation~~
7 ~~district, Nebraska Brand Committee, or governing body of the entity or~~
8 ~~pool is present at each site of the telephone conference call identified~~
9 ~~in the public notice, except that a member of an organization created~~
10 ~~under the Interlocal Cooperation Act that sells electricity or natural~~
11 ~~gas at wholesale on a multistate basis, an organization created under the~~
12 ~~Municipal Cooperative Financing Act, or a governing body of a risk~~
13 ~~management pool or an advisory committee of such organization or pool may~~
14 ~~designate a nonvoting designee, who shall not be included as part of the~~
15 ~~quorum, to be present at any site;~~

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

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

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

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

31 ~~(3) Virtual conferencing Nothing in this subsection shall prevent~~

1 ~~the participation of consultants, members of the press, and other~~
2 ~~nonmembers of the governing body at sites not identified in the public~~
3 ~~notice. Telephone conference calls, emails, faxes, or other electronic~~
4 communication shall not be used to circumvent any of the public
5 government purposes established in the Open Meetings Act.

6 (4) The secretary or other designee of each public body shall
7 maintain a list of the news media requesting notification of meetings and
8 shall make reasonable efforts to provide advance notification to them of
9 the time and place of each meeting and the subjects to be discussed at
10 that meeting.

11 (5) When it is necessary to hold an emergency meeting without
12 reasonable advance public notice, the nature of the emergency shall be
13 stated in the minutes and any formal action taken in such meeting shall
14 pertain only to the emergency. Such emergency meetings may be held by
15 virtual conferencing means of electronic or telecommunication equipment.
16 The provisions of subsection (4) of this section shall be complied with
17 in conducting emergency meetings. Complete minutes of such emergency
18 meetings specifying the nature of the emergency and any formal action
19 taken at the meeting shall be made available to the public by no later
20 than the end of the next regular business day.

21 (6) A public body may allow a member of the public or any other
22 witness ~~other than a member of the public body~~ to appear before the
23 public body by means of virtual conferencing video or telecommunications
24 equipment.

25 (7)(a) Notwithstanding subsections (2) and (5) of this section, if
26 an emergency is declared by the Governor pursuant to the Emergency
27 Management Act as defined in section 81-829.39, a public body the
28 territorial jurisdiction of which is included in the emergency
29 declaration, in whole or in part, may hold a meeting by virtual
30 conferencing during such emergency if the public body gives reasonable
31 advance publicized notice as described in subsection (1) of this section.

1 The notice shall include information regarding access for the public and
2 news media. In addition to any formal action taken pertaining to the
3 emergency, the public body may hold such meeting for the purpose of
4 briefing, discussion of public business, formation of tentative policy,
5 or the taking of any action by the public body.

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

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

17 Sec. 12. Section 84-1412, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 84-1412 (1) Subject to the Open Meetings Act, the public has the
20 right to attend and the right to speak at meetings of public bodies, and
21 all or any part of a meeting of a public body, except for closed sessions
22 called pursuant to section 84-1410, may be videotaped, televised,
23 photographed, broadcast, or recorded by any person in attendance by means
24 of a tape recorder, a camera, video equipment, or any other means of
25 pictorial or sonic reproduction or in writing.

26 (2) It shall not be a violation of subsection (1) of this section
27 for any public body to make and enforce reasonable rules and regulations
28 regarding the conduct of persons attending, speaking at, videotaping,
29 televising, photographing, broadcasting, or recording its meetings,
30 including meetings held by virtual conferencing. A body may not be
31 required to allow citizens to speak at each meeting, but it may not

1 forbid public participation at all meetings.

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

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

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

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

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

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

23 (c) Reasonable arrangements are made to accommodate the public's
24 right to attend, hear, and speak at the meeting, including making virtual
25 conferencing ~~a telephone conference call~~ available at an in-state location
26 to members, the public, or the press, if requested twenty-four hours in
27 advance;

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

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

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

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

8 (7) The public body shall, upon request, make a reasonable effort to
9 accommodate the public's right to hear the discussion and testimony
10 presented at the meeting.

11 (8) Public bodies shall make available at the meeting or the instate
12 location for virtual conferencing as required by subdivision (6)(c) of
13 this section ~~a telephone conference call or videoconference~~, for
14 examination and copying by members of the public, at least one copy of
15 all reproducible written material to be discussed at an open meeting,
16 either in paper or electronic form. Public bodies shall make available at
17 least one current copy of the Open Meetings Act posted in the meeting
18 room at a location accessible to members of the public. At the beginning
19 of the meeting, the public shall be informed about the location of the
20 posted information.

21 Sec. 13. Section 84-1413, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 84-1413 (1) Each public body shall keep minutes of all meetings
24 showing the time, place, members present and absent, and the substance of
25 all matters discussed.

26 (2) Any action taken on any question or motion duly moved and
27 seconded shall be by roll call vote of the public body in open session,
28 and the record shall state how each member voted or if the member was
29 absent or not voting. The requirements of a roll call or viva voce vote
30 shall be satisfied by a public body which utilizes an electronic voting
31 device which allows the yeas and nays of each member of such public body

1 to be readily seen by the public.

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

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

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

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

16 (7) Beginning July 31, 2022, the governing body of a natural
17 resources district, the city council of a city of the metropolitan class,
18 the city council of a city of the primary class, the city council of a
19 city of the first class, the county board of a county with a population
20 greater than twenty-five thousand inhabitants, and the school board of a
21 school district shall make available on such entity's public web site the
22 agenda and minutes of any meeting of the governing body. The agenda shall
23 be placed on the web site at least twenty-four hours before the meeting
24 of the governing body. Minutes shall be placed on the web site at such
25 time as the minutes are available for inspection as provided in
26 subsection (5) of this section. This information shall be available on
27 the public web site for at least six months.

28 Sec. 14. No motion, resolution, rule, regulation, ordinance, or
29 formal action made, adopted, passed, or taken at a meeting as defined in
30 section 84-1409 of a public body as defined in such section shall be
31 invalidated because such motion, resolution, rule, regulation, ordinance,

1 or formal action was made, adopted, passed, or taken at a meeting or
2 meetings on or after March 17, 2020, and on or before April 30, 2021,
3 pursuant to a Governor's Executive Order which waived certain
4 requirements of the Open Meetings Act.

5 Sec. 15. Original sections 24-1204, 38-170, 39-1108, 58-230,
6 79-1218, 84-1409, and 84-1412, Reissue Revised Statutes of Nebraska, and
7 sections 2-4108, 58-817, 79-2204, 82-803, 84-1411, and 84-1413, Revised
8 Statutes Cumulative Supplement, 2020, are repealed.

9 Sec. 16. Since an emergency exists, this act takes effect when
10 passed and approved according to law.

11 2. On page 1, line 6, after the first semicolon insert "to provide
12 an exception for certain meetings;".