

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 83

Introduced by Flood, 19.

Read first time January 07, 2021

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to virtual conferencing; to amend sections
2 24-1204, 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 provisions of the Open Meetings Act; to harmonize provisions; to
7 repeal the original sections; and to declare an emergency.
8 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 teleconference or virtual
9 conference ~~videoconference~~ subject to the Open Meetings Act. No member
10 shall vote by proxy, and the affirmative vote of the majority of all
11 members of the commission shall be necessary for the adoption of rules
12 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 38-170, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-170 The department shall, as far as practicable, provide for the
8 conducting of the business of the boards by mail and may hold meetings by
9 teleconference or virtual conference ~~videoconference~~ subject to the Open
10 Meetings Act. Any official action or vote of the members of a board taken
11 by mail shall be preserved in the records of the department and shall be
12 recorded in the board's minutes by the department.

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

15 39-1108 Regular meetings of the State Highway Commission shall be
16 held upon call of the chairperson, but not less than six times per year.
17 Special meetings may be held upon call of the chairperson or pursuant to
18 a call signed by three other members, of which the chairperson shall have
19 three days' written notice.

20 All regular meetings shall be held in suitable offices to be
21 provided in Lincoln unless a majority of the members deem it necessary to
22 hold a regular meeting at another location within this state. Members of
23 the commission may participate by telephone conference call or
24 videoconference or virtual conference as long as the chairperson or vice-
25 chairperson conducts the meeting in an open forum where the public is
26 able to participate by attendance at the scheduled meeting.

27 Five members of the commission constitute a quorum for the
28 transaction of business. Every act of a majority of the members of the
29 commission shall be deemed to be the act of the commission.

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

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

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

5 58-230 Meetings of the members of the authority shall be held at
6 least once every three months to attend to the business of the authority
7 and may be held at the call of the chairperson or whenever any five
8 members so request. Such meetings shall at all times be subject to the
9 Open Meetings Act, and such meetings may be held by means of virtual
10 conferencing ~~videoconferencing~~ in accordance with subsection (2) of
11 section 84-1411.

12 Sec. 6. Section 58-817, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 58-817 Four members of the authority shall constitute a quorum. The
15 affirmative vote of a majority of all of the members of the authority
16 shall be necessary for any action taken by the authority. A vacancy in
17 the membership of the authority shall not impair the right of a quorum to
18 exercise all the rights and perform all the duties of the authority. Any
19 action taken by the authority under the Nebraska Educational, Health,
20 Cultural, and Social Services Finance Authority Act may be authorized by
21 resolution at any regular or special meeting, and each such resolution
22 shall take effect immediately and need not be published or posted.
23 Members of the authority may participate in a regular or special meeting
24 of the authority by telephone conference call or virtual conference
25 ~~videoconference~~ as long as the chairperson or vice-chairperson conducts
26 the meeting at a location where the public is able to participate by
27 attendance at that location and the telephone conference call or virtual
28 conference ~~videoconference~~ otherwise conforms to the requirements of
29 subsection (2) subdivisions (2)(a) through (e) of section 84-1411.

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

1 79-1218 The board of each educational service unit shall meet and
2 organize by naming one of its members as president, one as vice
3 president, and one as secretary. The board shall employ a treasurer who
4 shall be paid a salary to be fixed by the board.

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

14 Sec. 8. Section 79-2204, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 79-2204 (1) The State Council on Educational Opportunity for
17 Military Children is created within the department. The council shall
18 consist of:

19 (a) The following ex officio members:

20 (i) The Commissioner of Education;

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

23 (iii) The compact commissioner appointed pursuant to section
24 79-2205; and

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

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

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

31 (ii) A representative of a military installation located in this

1 state.

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

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

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

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

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

16 Sec. 9. Section 82-803, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 82-803 (1) The First Regiment Nebraska Volunteer Infantry at Fort
19 Donelson Committee is created. The purpose of the committee is to provide
20 for the creation, production, transportation, installation, and unveiling
21 of the monument. The committee shall consist of: An employee of the
22 Nebraska State Historical Society appointed by the Secretary of State;
23 two members of the public who are members of a local Civil War round
24 table organization appointed by the Secretary of State; a professor of
25 history from the University of Nebraska appointed by the Secretary of
26 State; and the Chairperson of the Government, Military and Veterans
27 Affairs Committee of the Legislature or his or her designee.

28 (2) The members of the committee shall elect a chairperson and vice-
29 chairperson from among its appointed members during the first meeting. A
30 member may be reelected to serve as chairperson or vice-chairperson. The
31 committee shall meet at least twice each calendar year. A majority of the

1 members of the committee shall constitute a quorum.

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

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

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

9 (b) Approve the production of the monument;

10 (c) Approve the method of transportation of the monument to the
11 battlefield and its installation;

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

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

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

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

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

24 (8) The committee shall terminate upon the completion of its
25 purpose.

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

28 84-1409 For purposes of the Open Meetings Act, unless the context
29 otherwise requires:

30 (1)(a) Public body means (i) governing bodies of all political
31 subdivisions of the State of Nebraska, (ii) governing bodies of all

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

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

19 (2) Meeting means all regular, special, or called meetings, formal
20 or informal, of any public body for the purposes of briefing, discussion
21 of public business, formation of tentative policy, or the taking of any
22 action of the public body; and

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

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

31 Sec. 11. Section 84-1411, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 84-1411 (1)(a) Each public body shall give reasonable advance
3 publicized notice of the time and place of each meeting as provided in
4 this subsection. Such notice shall be transmitted to all members of the
5 public body and to the public.

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

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

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

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

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

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

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

29 (e) Such notice shall contain an agenda of subjects known at the
30 time of the publicized notice or a statement that the agenda, which shall
31 be kept continually current, shall be readily available for public

1 inspection at the principal office of the public body during normal
2 business hours. Agenda items shall be sufficiently descriptive to give
3 the public reasonable notice of the matters to be considered at the
4 meeting. Except for items of an emergency nature, the agenda shall not be
5 altered later than (i) twenty-four hours before the scheduled
6 commencement of the meeting or (ii) forty-eight hours before the
7 scheduled commencement of a meeting of a city council or village board
8 scheduled outside the corporate limits of the municipality. The public
9 body shall have the right to modify the agenda to include items of an
10 emergency nature only at such public meeting.

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

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

16 (ii) An organization, including the governing body, created under
17 the Interlocal Cooperation Act, the Joint Public Agency Act, or the
18 Municipal Cooperative Financing Act;

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

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

23 (v) An educational service unit;

24 (vi) The Educational Service Unit Coordinating Council;

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

28 (viii) A community college board of governors;

29 (ix) The Nebraska Brand Committee;

30 (x) A local public health department;

31 (xi) A natural resources district; and

1 (xii) The Judicial Resources Commission.

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

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

7 (ii) In addition to the public's right to participate by virtual
8 conferencing, reasonable arrangements are made to accommodate the
9 public's right to attend at a physical site and participate as provided
10 in section 84-1412, including seating, in at least one designated site in
11 a building open to the public and identified in the notice, recording of
12 the hearing by audio or visual recording devices, and a reasonable
13 opportunity for input, such as public comment or questions, is provided
14 to at least the same extent as would be provided if virtual conferencing
15 was not used;

16 (iii) At least one copy of all documents for the meeting is
17 available at any physical site open to the public where individuals may
18 attend the virtual conference. The public body shall also provide links
19 to an electronic copy of the agenda, all documents being considered at
20 the meeting, and the current version of the Open Meetings Act; and

21 (iv) Except as otherwise provided in this subdivision, no more than
22 one-half of the meetings of the state entities, advisory committees,
23 boards, councils, organizations, or governing bodies are held by virtual
24 conferencing in a calendar year. In the case of an organization created
25 under the Interlocal Cooperation Act that sells electricity or natural
26 gas at wholesale on a multistate basis or an organization created under
27 the Municipal Cooperative Financing Act, the organization may hold more
28 than one-half of its meetings by virtual conferencing if such
29 organization holds at least one meeting each calendar year that is not by
30 virtual conferencing. The governing body of a risk management pool that
31 meets at least quarterly and the advisory committees of the governing

1 body may each hold more than one-half of its meetings by virtual
2 conferencing if the governing body's quarterly meetings are not held by
3 virtual conferencing.

4 ~~(2) A meeting of a state agency, state board, state commission,~~
5 ~~state council, or state committee, of an advisory committee of any such~~
6 ~~state entity, of an organization created under the Interlocal Cooperation~~
7 ~~Act, the Joint Public Agency Act, or the Municipal Cooperative Financing~~
8 ~~Act, 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 as provided in~~
19 ~~subsection (1) of this section;~~

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

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

29 ~~(d) At least one member of the state entity, advisory committee,~~
30 ~~board, council, or governing body is present at each site of the~~
31 ~~videoconference or telephone conference, except that a member of an~~

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

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

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

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

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

30 ~~(a) The territory represented by the educational service unit,~~
31 ~~member educational service units, community college board of governors,~~

1 ~~public power district, public power and irrigation district, Nebraska~~
2 ~~Brand Committee, or member public agencies of the entity or pool covers~~
3 ~~more than one county;~~

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

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

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

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

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

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

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

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

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

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

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

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

1 (5) When it is necessary to hold an emergency meeting without
2 reasonable advance public notice, the nature of the emergency shall be
3 stated in the minutes and any formal action taken in such meeting shall
4 pertain only to the emergency. Such emergency meetings may be held by
5 virtual conferencing means of electronic or telecommunication equipment.
6 The provisions of subsection (4) of this section shall be complied with
7 in conducting emergency meetings. Complete minutes of such emergency
8 meetings specifying the nature of the emergency and any formal action
9 taken at the meeting shall be made available to the public by no later
10 than the end of the next regular business day.

11 (6) A public body may allow a member of the public or any other
12 witness ~~other than a member of the public body~~ to appear before the
13 public body by means of virtual conferencing video or telecommunications
14 equipment.

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

27 (b) The public body shall provide access by providing a dial-in
28 number or a link to the virtual conference. The public body shall also
29 provide links to an electronic copy of the agenda, all documents being
30 considered at the meeting, and the current version of the Open Meetings
31 Act. Reasonable arrangements shall be made to accommodate the public's

1 right to hear and speak at the meeting and record the meeting. Subsection
2 (4) of this section shall be complied with in conducting such meetings.

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

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

9 84-1412 (1) Subject to the Open Meetings Act, the public has the
10 right to attend and the right to speak at meetings of public bodies, and
11 all or any part of a meeting of a public body, except for closed sessions
12 called pursuant to section 84-1410, may be videotaped, televised,
13 photographed, broadcast, or recorded by any person in attendance by means
14 of a tape recorder, a camera, video equipment, or any other means of
15 pictorial or sonic reproduction or in writing.

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

23 (3) No public body shall require members of the public to identify
24 themselves as a condition for admission to the meeting nor shall such
25 body require that the name of any member of the public be placed on the
26 agenda prior to such meeting in order to speak about items on the agenda.
27 The body shall ~~may~~ require any member of the public desiring to address
28 the body to identify himself or herself, including an address and the
29 name of any organization represented by such person.

30 (4) No public body shall, for the purpose of circumventing the Open
31 Meetings Act, hold a meeting in a place known by the body to be too small

1 to accommodate the anticipated audience.

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

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

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

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

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

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

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

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

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

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

31 (8) Public bodies shall make available at the meeting or the instate

1 location for virtual conferencing as required by subdivision (6)(c) of
2 this section a ~~telephone conference call or videoconference~~, for
3 examination and copying by members of the public, at least one copy of
4 all reproducible written material to be discussed at an open meeting,
5 either in paper or electronic form. Public bodies shall make available at
6 least one current copy of the Open Meetings Act posted in the meeting
7 room at a location accessible to members of the public. At the beginning
8 of the meeting, the public shall be informed about the location of the
9 posted information.

10 Sec. 13. Section 84-1413, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 84-1413 (1) Each public body shall keep minutes of all meetings
13 showing the time, place, members present and absent, and the substance of
14 all matters discussed.

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

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

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

28 (5) Minutes shall be written, except as provided in subsection (6)
29 of this section, and available for inspection within ten working days or
30 prior to the next convened meeting, whichever occurs earlier, except that
31 cities of the second class and villages may have an additional ten

1 working days if the employee responsible for writing the minutes is
2 absent due to a serious illness or emergency.

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

5 (7) Beginning July 31, 2022, the governing body of a natural
6 resources district, the city council of a city of the metropolitan class,
7 the city council of a city of the primary class, the city council of a
8 city of the first class, the county board of a county with a population
9 greater than twenty-five thousand inhabitants, and the school board of a
10 school district shall make available on such entity's public web site the
11 agenda and minutes of the governing body. The agenda shall be placed on
12 the web site at least twenty-four hours before the meeting of the
13 governing body. Minutes shall be placed on the web site at such time as
14 the minutes are available for inspection as provided in subsection (5) of
15 this section. This information shall be available on the public web site
16 for at least six months.

17 Sec. 14. Original sections 24-1204, 38-170, 39-1108, 58-230,
18 79-1218, 84-1409, and 84-1412, Reissue Revised Statutes of Nebraska, and
19 sections 2-4108, 58-817, 79-2204, 82-803, 84-1411, and 84-1413, Revised
20 Statutes Cumulative Supplement, 2020, are repealed.

21 Sec. 15. Since an emergency exists, this act takes effect when
22 passed and approved according to law.