

One Hundred Seventh Legislature - First Session - 2021

Introducer's Statement of Intent

LB83

Chairperson: Senator Tom Brewer

Committee: Government, Military and Veterans Affairs

Date of Hearing: January 27, 2021

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 83 would amend the Open Meetings Act in Chapter 84, Article 14, to: 1) modernize the way public bodies hold virtual meetings; and 2) create the statutory framework for public bodies to hold virtual meetings during a declared emergency by the Governor, Mayor, Village Board Chair or County Board Chair. Section 15 of LB 83 has the emergency clause so the bill would take effect when passed and approved according to law, except for subsection 7 of section 84-1413 which has an effective date of July 31, 2022.

1) Modernizing the way public bodies hold virtual meetings

- “Virtual conferencing” is defined as “conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412” which allows the public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking, and recording at the virtual meeting.
- The provisions of the Open Meetings Act relating to videoconferencing and telephone conference calls are combined into one section. Instead of using the terms videoconferencing and telephone conference calls, “virtual conferencing” is used to encompass both.
- The same public bodies currently allowed to conduct meetings by videoconferencing and/or telephone conference calls are allowed to hold meetings by “virtual conferencing” with two additional entities included: local public health departments and natural resources districts.
- Public meetings held by “virtual conferencing” are subject to similar requirements as those which now apply to videoconferencing and telephone conference calls, including: reasonable advance publicized notice, including access to a dial-in number or link to the virtual conference; in addition to participating virtually in the meeting, arrangements for at least one public site in a building open to the public for the public to participate;

copies of all documents for the meeting available at the physical site; links to an electronic copy of the agenda, documents being considered at the meeting and the current version of the Open Meetings Act; and except for certain entities, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by “virtual conferencing” in a calendar year.

- The bill removes a provision in section 84-1411(6) that a member of the public body is not allowed to appear before the public body by means of “virtual conferencing.” The intent of this change is to allow a member of the public body to appear by “virtual conferencing” but does not allow that member to be counted toward the quorum or participate as a member of the public body.
- Section 84-1412(3) now will require any member of the public desiring to address the public body to identify himself or herself, including an address and the name of any organization represented by such person.
- Beginning July 31, 2022, new subsection (7) of section 84-1413 requires certain cities, certain counties, all NRDs, and all school districts to place minutes and agendas for the governing body’s meetings on their public web site. The agenda needs to be placed on the web site at least twenty-four hours before the meeting. Minutes are placed on the website when they are available for inspection. This information will be available on the web site for at least six months.

2) Creating the statutory framework to have virtual meetings during a declared emergency as defined in section 81-829.39: New subsection (7) of section 84-1411

- If an emergency as defined in section 81-829.39 is declared by the Governor or a principal executive officer of a local government, any public body, whose territorial jurisdiction, in whole or in part, is included in the emergency declaration may hold a meeting by “virtual conferencing” after giving reasonable advance publicized notice, including information regarding access for the public and news media. (Principal executive officer is defined in section 81-829.39(9) as the Mayor, Village Board Chair or County Board Chair.)
- At these emergency meetings, in addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body. (Provisions in current law in section 84-1411(5) allowing emergency meetings without reasonable advance publicized notice also may be held by “virtual conferencing” but any formal action taken in such meeting shall pertain ONLY to the emergency.)
- The public body is required to provide access by providing a dial-in number or link to the virtual conference, links to an electronic copy of the agenda, all documents being considered at the meeting and the current version of the Open Meetings Act.
- As required in current law for other public meetings, meetings held by “virtual conferencing” also shall make reasonable arrangements to accommodate the public’s right to hear and speak at the meeting and record the meeting; the public body shall make all reasonable efforts to provide advance notification to a maintained list of news media of the time and place of each meeting and the subjects to be discussed; the nature of the emergency shall be stated in the minutes and the complete minutes of the meeting will be made available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, with a limited exception for cities of the second class and villages.

- Section 84-1411(2) relating to public entities allowed to have half of their meetings by “virtual conferencing” does not apply to the current emergency meeting provisions in section 84-1411(5) when reasonable advance publicized notice cannot be given or to the new subsection (7) of section 84-1411 regarding meetings when an emergency is declared by the Governor, Mayor, Village Board Chair or County Board Chair.

Principal Introducer: _____

Senator Michael Flood