

AMENDMENTS TO LB1370

Introduced by Natural Resources.

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

3 Section 1. (1) For purposes of this section, dispatchable electric
4 generation facility means a facility that, under normal operating
5 conditions, can increase or decrease its output on demand to provide
6 electricity onto the electric power transmission grid on an ongoing
7 basis.

8 (2)(a) If a public power district, a public power and irrigation
9 district, an electric membership association, an electric cooperative
10 company, a municipality having a generation and distribution system, or a
11 registered group of municipalities decides that a dispatchable electric
12 generation facility with a generation capacity in excess of one hundred
13 megawatts owned by any such entity should be closed or decommissioned,
14 such entity shall provide written notice to the Nebraska Power Review
15 Board prior to a final decision to close or decommission such facility.

16 (b) The board, in its discretion, may set a time and place for
17 hearing on the matter and provide at least twenty days' prior notice to
18 such entity. The hearing shall be held within sixty days after such
19 notice unless such entity requests in writing that the hearing not be
20 scheduled until a later time. Any such hearing shall be closed to the
21 public. If the board determines that no hearing is necessary, the board
22 shall provide written notice of such determination to such entity within
23 thirty days after receipt of the written notice described in subdivision
24 (2)(a) of this section.

25 (3) Within sixty days after the hearing or the determination that no
26 hearing is necessary as described in subsection (2) of this section, the
27 board shall make recommendations in writing on the basis of the record

1 before the board as to whether closing or decommissioning the
2 dispatchable electric generation facility is in the best interests of the
3 entity deciding to close or decommission the dispatchable electric
4 generation facility and its customers. Such recommendations shall be
5 advisory only. Such entity shall consider the board's recommendations
6 before making its final decision regarding the closing or decommissioning
7 of the electric generation facility.

8 (4) The notices, the scheduling decisions concerning the hearing and
9 purpose of the hearing, the record of the hearing, the board's
10 recommendations, and any response by the entity deciding to close or
11 decommission the dispatchable electric generation facility shall all be
12 treated as confidential records that are not subject to public disclosure
13 pursuant to sections 84-712 to 84-712.09 until such time as such entity
14 publicly announces any decision to close or decommission the dispatchable
15 electric generation facility. Nothing in this subsection shall be
16 construed to require public disclosure of any information that may be
17 withheld as provided in section 70-673 or 84-712.05.

18 (5) This section shall not apply to any decision by a public power
19 district, a public power and irrigation district, an electric membership
20 association, an electric cooperative company, a municipality having a
21 generation and distribution system, or a registered group of
22 municipalities to close or decommission a dispatchable electric
23 generation facility made prior to the effective date of this act.

24 Sec. 2. Section 70-624.04, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 70-624.04 (1) Directors and employees of public power districts,
27 public power and irrigation districts, and public utility companies shall
28 be permitted to hold other elective office as provided in section 32-604.
29 No contracts of any such public power district, public power and
30 irrigation district, or public utility company shall be void or voidable
31 by reason of such service by its directors or employees.

1 (2) A director of a public power and irrigation district may have an
2 interest in a residential lease agreement or a water service agreement
3 with such district. Such director may participate in any discussion or
4 vote on such agreements. No agreement of such public power and irrigation
5 district shall be void or voidable by reason of such interest by such
6 director.

7 Sec. 3. Section 70-637, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 70-637 (1) A district shall cause estimates of the costs to be made
10 by some competent engineer or engineers before the district enters into
11 any contract for:

12 (a) The construction, reconstruction, remodeling, building,
13 alteration, maintenance, repair, extension, or improvement, for the use
14 of the district, of any:

15 (i) Power plant or system;

16 (ii) Hydrogen production, storage, or distribution system;

17 (iii) Ethanol production or distribution system;

18 (iv) Irrigation works; or

19 (v) Part or section of a system or works described in subdivisions
20 (i) through (iv) of this subdivision; or

21 (b) The purchase of any materials, machinery, or apparatus to be
22 used in the projects described in subdivision (1)(a) of this section.

23 (2) If the estimated cost exceeds the sum of seven ~~two~~ hundred fifty
24 thousand dollars, for those districts with a gross revenue of less than
25 five hundred million dollars, or one million five hundred thousand
26 dollars, for those districts with a gross revenue of five hundred million
27 dollars or more, no such contract shall be entered into without
28 advertising for sealed bids.

29 (3) Notwithstanding the provisions of subsection (2) of this section
30 and sections 70-638 and 70-639, the board of directors of the district
31 may negotiate directly with sheltered workshops pursuant to section

1 48-1503.

2 (4)(a) The provisions of subsection (2) of this section and sections
3 70-638 and 70-639 relating to sealed bids shall not apply to contracts
4 entered into by a district in the exercise of its rights and powers
5 relating to (i) radioactive material or the energy therefrom, (ii) any
6 technologically complex or unique equipment, (iii) equipment or
7 supplemental labor procurement from an electric utility or from or
8 through an electric utility alliance, or (iv) any maintenance or repair,
9 if the requirements of subdivisions (b) and (c) of this subsection are
10 met.

11 (b) A contract described in subdivision (a) of this subsection need
12 not comply with subsection (2) of this section or section 70-638 or
13 70-639 if:

14 (i) The engineer or engineers certify that, by reason of the nature
15 of the subject matter of the contract, compliance with subsection (2) of
16 this section would be impractical or not in the public interest;

17 (ii) The engineer's certification is approved by a two-thirds vote
18 of the board; and

19 (iii) The district advertises notice of its intention to enter into
20 such contract, the general nature of the proposed work, and the name of
21 the person to be contacted for additional information by anyone
22 interested in contracting for such work.

23 (c) Any contract for which the board has approved an engineer's
24 certificate described in subdivision (b) of this subsection shall be
25 advertised in three issues not less than seven days between issues in one
26 or more newspapers of general circulation in the district and in such
27 additional newspapers or trade or technical periodicals as may be
28 selected by the board in order to give proper notice of its intention to
29 enter into such contract, and any such contract shall not be entered into
30 prior to twenty days after the last advertisement.

31 (5) The provisions of subsection (2) of this section and sections

1 70-638 and 70-639 shall not apply to contracts in excess of seven ~~two~~
2 hundred fifty thousand dollars, for those districts with a gross revenue
3 of less than five hundred million dollars, or one million ~~five~~ hundred
4 thousand dollars, for those districts with a gross revenue of five
5 hundred million dollars or more, entered into for the purchase of any
6 materials, machinery, or apparatus to be used in projects described in
7 subdivision (1)(a) of this section if, after advertising for sealed bids:

8 (a) No responsive bids are received; or

9 (b) The board of directors of such district determines that all bids
10 received are in excess of the fair market value of the subject matter of
11 such bids.

12 (6) Notwithstanding any other provision of subsection (2) of this
13 section or sections 70-638 and 70-639, a district may, without
14 advertising or sealed bidding, purchase replacement parts or services
15 relating to such replacement parts for any generating unit, transformer,
16 or other transmission and distribution equipment from the original
17 manufacturer of such equipment upon certification by an engineer or
18 engineers that such manufacturer is the only available source of supply
19 for such replacement parts or services and that such purchase is in
20 compliance with standards established by the board. A written statement
21 containing such certification and a description of the resulting purchase
22 of replacement parts or services from the original manufacturer shall be
23 submitted to the board by the engineer or engineers certifying the
24 purchase for the board's approval. After such certification, but not
25 necessarily before the board review, notice of any such purchase shall be
26 published once a week for at least three consecutive weeks in one or more
27 newspapers of general circulation in the district and published in such
28 additional newspapers or trade or technical periodicals as may be
29 selected by the board in order to give proper notice of such purchase.

30 (7) Notwithstanding any other provision of subsection (2) of this
31 section or sections 70-638 and 70-639, a district may, without

1 advertising or sealed bidding, purchase used equipment and materials on a
2 negotiated basis upon certification by an engineer that such equipment is
3 or such materials are in compliance with standards established by the
4 board. A written statement containing such certification shall be
5 submitted to the board by the engineer for the board's approval.

6 Sec. 4. (1) For purposes of this section:

7 (a) FAA approval means approval by the Federal Aviation
8 Administration that meets the requirements set forth in Chapter 10 of the
9 Federal Aviation Administration's 2020 Advisory Circular AC 70/7460-1M,
10 Obstruction Marking and Lighting;

11 (b) Light-mitigating technology system means aircraft detection
12 lighting or any other comparable system capable of reducing the impact of
13 facility obstruction lighting while maintaining conspicuity sufficient to
14 assist aircraft in identifying and avoiding collision with a wind energy
15 conversion system;

16 (c) Repower means a substantial physical modification of at least
17 seventy-five percent of the wind turbines in a wind energy conversion
18 system that results in an increase of ten percent or more in nameplate
19 capacity; and

20 (d) Wind energy conversion system means an electric generation
21 facility consisting of ten or more wind turbines that are two hundred
22 fifty feet or more in height and any accessory or appurtenant structures
23 and buildings including substations, meteorological towers, electrical
24 infrastructure, and transmission lines.

25 (2) Beginning July 1, 2025:

26 (a)(i) A developer, owner, or operator of a wind energy conversion
27 system shall make application to the Federal Aviation Administration for
28 FAA approval to install and operate a light-mitigating technology system
29 on such wind energy conversion system as follows:

30 (A) Before a wind energy conversion system commences commercial
31 operation in this state, if such system did not exist prior to July 1,

1 2025;

2 (B) Within thirty days after a wind energy conversion system
3 existing prior to July 1, 2025, commences a repower; or

4 (C) If on July 1, 2025, such developer, owner, or operator has five
5 years or less remaining on a power purchase agreement with an electric
6 supplier for a wind energy conversion system, within thirty days after
7 the existing power purchase agreement is extended or renewed or a new
8 power purchase agreement is executed; and

9 (ii) Within twenty-four months after receiving FAA approval, the
10 developer, owner, or operator of the wind energy conversion system shall
11 install a light-mitigating technology system on wind turbines covered
12 under such FAA approval; and

13 (b) Any developer, owner, or operator of a wind energy conversion
14 system existing prior to July 1, 2025, that does not commence a repower
15 shall on or before July 1, 2035, install a light-mitigating technology
16 system on the wind turbines in such wind energy conversion system that
17 meets Federal Aviation Administration requirements.

18 (3) Any application made pursuant to subsection (2) of this section
19 shall be submitted in good faith and reasonably intended to obtain FAA
20 approval. If FAA approval is not granted after application is made
21 pursuant to such subsection, the wind energy conversion system may
22 commence or continue, as applicable, commercial operation without a
23 light-mitigating technology system.

24 (4) Any costs associated with the installation, implementation,
25 operation, and maintenance of a light-mitigating technology system shall
26 be the responsibility of the developer, owner, or operator of the wind
27 energy conversion system.

28 (5) Nothing in this section shall be construed to require mitigation
29 of light pollution to be carried out in a manner that conflicts with
30 federal law or requirements, including requirements of the Federal
31 Aviation Administration or the United States Department of Defense.

1 (6) Nothing in this section shall be construed to require any new or
2 separate approval from any state or local governmental agency.

3 Sec. 5. Section 70-1001.01, Revised Statutes Supplement, 2023, is
4 amended to read:

5 70-1001.01 For purposes of sections 70-1001 to 70-1028, unless the
6 context otherwise requires:

7 (1) Board means the Nebraska Power Review Board;

8 (2) Electric supplier or supplier of electricity means any legal
9 entity supplying, producing, or distributing electricity within the state
10 for sale at wholesale or retail;

11 (3) Military installation means a military base other than a
12 National Guard base where fixed-wing aircraft or strategic weapon assets
13 are on a permanent or temporary basis assigned, stored, operated from, or
14 otherwise located;

15 (4) ~~(3)~~ Private electric supplier means an electric supplier
16 producing electricity from a privately developed renewable energy
17 generation facility that is not a public power district, a public power
18 and irrigation district, a municipality, a registered group of
19 municipalities, an electric cooperative, an electric membership
20 association, any other governmental entity, or any combination thereof;

21 (5) ~~(4)~~ Privately developed renewable energy generation facility
22 means a facility that (a) generates electricity using solar, wind,
23 geothermal, biomass, landfill gas, or biogas, including all electrically
24 connected equipment used to produce, collect, and store the facility
25 output up to and including the transformer that steps up the voltage to
26 sixty thousand volts or greater, and including supporting structures,
27 buildings, and roads, unless otherwise agreed to in a joint transmission
28 development agreement, (b) is developed, constructed, and owned, in whole
29 or in part, by one or more private electric suppliers, and (c) is not
30 wholly owned by a public power district, a public power and irrigation
31 district, a municipality, a registered group of municipalities, an

1 electric cooperative, an electric membership association, any other
2 governmental entity, or any combination thereof;

3 (6) ~~(5)~~ Regional transmission organization means an entity
4 independent from those entities generating or marketing electricity at
5 wholesale or retail, which has operational control over the electric
6 transmission lines in a designated geographic area in order to reduce
7 constraints in the flow of electricity and ensure that all power
8 suppliers have open access to transmission lines for the transmission of
9 electricity;

10 (7) ~~(6)~~ Reliable or reliability means the ability of an electric
11 supplier to supply the aggregate electric power and energy requirements
12 of its electricity consumers in Nebraska at all times under normal
13 operating conditions, taking into account scheduled and unscheduled
14 outages, including sudden disturbances or unanticipated loss of system
15 components that are to be reasonably expected for any electric utility
16 following prudent utility practices, recognizing certain weather
17 conditions and other contingencies may cause outages at the distribution,
18 transmission, and generation level;

19 (8) ~~(7)~~ Representative organization means an organization designated
20 by the board and organized for the purpose of providing joint planning
21 and encouraging maximum cooperation and coordination among electric
22 suppliers. Such organization shall represent electric suppliers owning a
23 combined electric generation plant accredited capacity of at least ninety
24 percent of the total electric generation plant accredited capacity
25 constructed and in operation within the state;

26 (9) ~~(8)~~ State means the State of Nebraska; and

27 (10) ~~(9)~~ Unbundled retail rates means the separation of utility
28 bills into the individual price components for which an electric supplier
29 charges its retail customers, including, but not limited to, the separate
30 charges for the generation, transmission, and distribution of
31 electricity.

1 Sec. 6. Section 70-1012, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 70-1012 (1) Before any electric generation facilities or any
4 transmission lines or related facilities carrying more than seven hundred
5 volts are constructed or acquired by any supplier, an application, filed
6 with the board and containing such information as the board shall
7 prescribe, shall be approved by the board, except that such approval
8 shall not be required (a) for the construction or acquisition of a
9 transmission line extension or related facilities within a supplier's own
10 service area or for the construction or acquisition of a line not
11 exceeding one-half mile outside its own service area when all owners of
12 electric lines located within one-half mile of the extension consent
13 thereto in writing and such consents are filed with the board, (b) for
14 any generation facility when the board finds that (i) such facility is
15 being constructed or acquired to replace a generating plant owned by an
16 individual municipality or registered group of municipalities with a
17 capacity not greater than that of the plant being replaced, (ii) such
18 facility will generate less than twenty-five thousand kilowatts of
19 electric energy at rated capacity, and (iii) the applicant will not use
20 the plant or transmission capacity to supply wholesale power to customers
21 outside the applicant's existing retail service area or chartered
22 territory, (c) for acquisition of transmission lines or related
23 facilities, within the state, carrying one hundred fifteen thousand volts
24 or less, if the current owner of the transmission lines or related
25 facilities notifies the board of the lines or facilities involved in the
26 transaction and the parties to the transaction, or (d) for the
27 construction of a qualified facility as defined in section 70-2002.

28 (2)(a) Before any electric supplier commences construction of or
29 acquires an electric generation facility or transmission lines or related
30 facilities carrying more than seven hundred volts that will be located
31 within a ten-mile radius of a military installation, the owner of such

1 proposed facility, transmission lines, or related facilities shall
2 provide written notice certifying to the board that such facility or
3 facilities contain no materials, electronics, or other components
4 manufactured by any foreign government or foreign nongovernment person
5 determined to be a foreign adversary pursuant to 15 C.F.R. 7.4.

6 (b) Any electric supplier supplying, producing, or distributing
7 electricity within the state for sale at retail is exempt from
8 subdivision (a) of this subsection if it is in compliance with the
9 critical infrastructure protection requirements issued by the North
10 American Electric Reliability Corporation. To receive such exemption, the
11 electric supplier shall submit written notice to the board certifying
12 that it is in such compliance. The electric supplier shall also submit
13 written notice to the board at any time such supplier is no longer in
14 such compliance.

15 (3) ~~(2)~~ A privately developed renewable energy generation facility
16 is exempt from this section if it complies with section 70-1014.02.

17 Sec. 7. Section 70-1014.02, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 70-1014.02 (1) The Legislature finds that:

20 (a) Nebraska has the authority as a sovereign state to protect its
21 land, natural resources, and cultural resources for economic and
22 aesthetic purposes for the benefit of its residents and future
23 generations by regulation of energy generation projects;

24 (b) The unique terrain and ecology of the Nebraska Sandhills provide
25 an irreplaceable habitat for millions of migratory birds and other
26 wildlife every year and serve as the home to numerous ranchers and
27 farmers;

28 (c) The grasslands of the Nebraska Sandhills and other natural
29 resources in Nebraska will become increasingly valuable, both
30 economically and strategically, as the demand for food and energy
31 increases; and

1 (d) The Nebraska Sandhills are home to priceless archaeological
2 sites of historical and cultural significance to American Indians.

3 (2)(a) A privately developed renewable energy generation facility
4 that meets the requirements of this section is exempt from sections
5 70-1012 to 70-1014.01 if no less than thirty days prior to the
6 commencement of construction the owner of the facility:

7 (i) Notifies the board in writing of its intent to commence
8 construction of a privately developed renewable energy generation
9 facility;

10 (ii) Certifies to the board that the facility will meet the
11 requirements for a privately developed renewable energy generation
12 facility;

13 (iii) Certifies to the board that the private electric supplier will
14 (A) comply with any decommissioning requirements adopted by the local
15 governmental entities having jurisdiction over the privately developed
16 renewable energy generation facility and (B) except as otherwise provided
17 in subdivision (b) of this subsection, submit a decommissioning plan to
18 the board obligating the private electric supplier to bear all costs of
19 decommissioning the privately developed renewable energy generation
20 facility and requiring that the private electric supplier post a security
21 bond or other instrument, no later than the tenth year following
22 commercial operation, securing the costs of decommissioning the facility
23 and provide a copy of the bond or instrument to the board;

24 (iv) Certifies to the board that the private electric supplier has
25 entered into or prior to commencing construction will enter into a joint
26 transmission development agreement pursuant to subdivision (c) of this
27 subsection with the electric supplier owning the transmission facilities
28 of sixty thousand volts or greater to which the privately developed
29 renewable energy generation facility will interconnect;~~and~~

30 (v) Certifies to the board that the private electric supplier has
31 consulted with the Game and Parks Commission to identify potential

1 measures to avoid, minimize, and mitigate impacts to species identified
2 under subsection (1) or (2) of section 37-806 during the project planning
3 and design phases, if possible, but in no event later than the
4 commencement of construction; and -

5 (vi) Certifies in writing to the board that the facility, if located
6 within a ten-mile radius of a military installation, contains no
7 materials, electronics, or other components manufactured by any foreign
8 government or foreign nongovernment person determined to be a foreign
9 adversary pursuant to 15 C.F.R. 7.4.

10 (b) The board may bring an action in the name of the State of
11 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
12 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
13 a local government entity with the authority to create requirements for
14 decommissioning has enacted decommissioning requirements for the
15 applicable jurisdiction.

16 (c) The joint transmission development agreement shall address
17 construction, ownership, operation, and maintenance of such additions or
18 upgrades to the transmission facilities as required for the privately
19 developed renewable energy generation facility. The joint transmission
20 development agreement shall be negotiated and executed contemporaneously
21 with the generator interconnection agreement or other directives of the
22 applicable regional transmission organization with jurisdiction over the
23 addition or upgrade of transmission, upon terms consistent with prudent
24 electric utility practices for the interconnection of renewable
25 generation facilities, the electric supplier's reasonable transmission
26 interconnection requirements, and applicable transmission design and
27 construction standards. The electric supplier shall have the right to
28 purchase and own transmission facilities as set forth in the joint
29 transmission development agreement. The private electric supplier of the
30 privately developed renewable energy generation facility shall have the
31 right to construct any necessary facilities or improvements set forth in

1 the joint transmission development agreement pursuant to the standards
2 set forth in the agreement at the private electric supplier's cost.

3 (3) Within ten days after receipt of a written notice complying with
4 subsection (2) of this section, the executive director of the board shall
5 issue a written acknowledgment that the privately developed renewable
6 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

7 (4) The exemption allowed under this section for a privately
8 developed renewable energy generation facility shall extend to and exempt
9 all private electric suppliers owning any interest in the facility,
10 including any successor private electric supplier which subsequently
11 acquires any interest in the facility.

12 (5) No property owned, used, or operated as part of a privately
13 developed renewable energy generation facility shall be subject to
14 eminent domain by a consumer-owned electric supplier operating in the
15 State of Nebraska. Nothing in this section shall be construed to grant
16 the power of eminent domain to a private electric supplier or limit the
17 rights of any entity to acquire any public, municipal, or utility right-
18 of-way across property owned, used, or operated as part of a privately
19 developed renewable energy generation facility as long as the right-of-
20 way does not prevent the operation of or access to the privately
21 developed renewable energy generation facility.

22 (6) Only a consumer-owned electric supplier operating in the State
23 of Nebraska may exercise eminent domain authority to acquire the land
24 rights necessary for the construction of transmission lines and related
25 facilities. There is a rebuttable presumption that the exercise of
26 eminent domain to provide needed transmission lines and related
27 facilities for a privately developed renewable energy generation facility
28 is a public use.

29 (7) Nothing in this section shall be construed to authorize a
30 private electric supplier to sell or deliver electricity at retail in
31 Nebraska.

1 (8) Nothing in this section shall be construed to limit the
2 authority of or require a consumer-owned electric supplier operating in
3 the State of Nebraska to enter into a joint agreement with a private
4 electric supplier to develop, construct, and jointly own a privately
5 developed renewable energy generation facility.

6 Sec. 8. Section 84-1411, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

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

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

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

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

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

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

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

1 other appropriate method designated by such public body or such advisory
2 committee.

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

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

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

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

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

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

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

30 (v) An educational service unit;

31 (vi) The Educational Service Unit Coordinating Council;

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

4 (viii) A community college board of governors;

5 (ix) The Nebraska Brand Committee;

6 (x) A local public health department;

7 (xi) A metropolitan utilities district;

8 (xii) A regional metropolitan transit authority; and

9 (xiii) A natural resources district.

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 reasonable seating, in at least one
19 designated site in a building open to the public and identified in the
20 notice, with: At least one member of the entity holding such meeting, or
21 his or her designee, present at each site; a recording of the hearing by
22 audio or visual recording devices; and a reasonable opportunity for
23 input, such as public comment or questions, is provided to at least the
24 same extent as 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 or subsection

1 (4) of section 79-2204, no more than one-half of the meetings of the
2 state entities, advisory committees, boards, councils, organizations, or
3 governing bodies are held by virtual conferencing in a calendar year. In
4 the case of an organization created under the Interlocal Cooperation Act
5 that sells electricity or natural gas at wholesale on a multistate basis
6 or an organization created under the Municipal Cooperative Financing Act,
7 the organization may hold more than one-half of its meetings by virtual
8 conferencing if such organization holds at least one meeting each
9 calendar year that is not by virtual conferencing. The governing body of
10 a risk management pool that meets at least quarterly and the advisory
11 committees of the governing body may each hold more than one-half of its
12 meetings by virtual conferencing if the governing body's quarterly
13 meetings are not held by virtual conferencing.

14 (3) Virtual conferencing, emails, faxes, or other electronic
15 communication shall not be used to circumvent any of the public
16 government purposes established in the Open Meetings Act.

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

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

31 (6) A public body may allow a member of the public or any other

1 witness to appear before the public body by means of virtual
2 conferencing.

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

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

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

26 (8) In addition to any other statutory authorization for virtual
27 conferencing, any public body not listed in subdivision (2)(a) of this
28 section may hold a meeting by virtual conferencing if:

29 (a) The purpose of the virtual meeting is to discuss items that are
30 scheduled to be discussed or acted upon at a subsequent non-virtual open
31 meeting of the public body;

1 (b) No action is taken by the public body at the virtual meeting;
2 and

3 (c) The public body complies with subdivisions (2)(b)(i) and (2)(b)
4 (ii) of this section.

5 (9) This section does not apply to a meeting of the Nebraska Power
6 Review Board or a public power district, a public power and irrigation
7 district, an electric membership association, an electric cooperative
8 company, a municipality having a generation and distribution system, or a
9 registered group of municipalities if such meeting is subject to section
10 1 of this act.

11 Sec. 9. Sections 1, 2, 3, 4, 8, and 10 of this act become operative
12 three calendar months after the adjournment of this legislative session.
13 The other sections of this act become operative on their effective date.

14 Sec. 10. Original sections 70-624.04 and 70-637, Reissue Revised
15 Statutes of Nebraska, and section 84-1411, Revised Statutes Cumulative
16 Supplement, 2022, are repealed.

17 Sec. 11. Original section 70-1012, Reissue Revised Statutes of
18 Nebraska, section 70-1014.02, Revised Statutes Cumulative Supplement,
19 2022, and section 70-1001.01, Revised Statutes Supplement, 2023, are
20 repealed.

21 Sec. 12. The following sections are outright repealed: Sections
22 70-1029, 70-1030, 70-1031, and 70-1033, Reissue Revised Statutes of
23 Nebraska, and section 70-1032, Revised Statutes Cumulative Supplement,
24 2022.

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