

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 898

Introduced by Lonowski, 33.

Read first time January 08, 2026

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to open meetings; to amend sections 70-1014,
- 2 70-1014.02, and 84-1411, Revised Statutes Supplement, 2025; to
- 3 change provisions relating to virtual conferencing; and to repeal
- 4 the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 70-1014, Revised Statutes Supplement, 2025, is
2 amended to read:

3 70-1014 (1) After hearing, the board shall have authority to approve
4 or deny the application. Except as provided in section 70-1014.01 for
5 special generation applications, before approval of an application, the
6 board shall find that:

7 (a) The application will serve the public convenience and necessity,
8 and that the applicant can most economically and feasibly supply the
9 electric service resulting from the proposed construction or acquisition
10 without unnecessary duplication of facilities or operations; and

11 (b)(i) For any proposed electric generation facility that has a
12 generating capacity that is greater than ten megawatts, the applicant has
13 held at least one public meeting with advanced publicized notice in one
14 of the counties in which the proposed facility will be located at which
15 (A) at least fifty percent of the governing body of the electric supplier
16 attends either in person or by videoconference, but with not less than
17 one member of the governing body physically present, (B) the applicant
18 explains the need for the proposed facility and the type of facility, and
19 (C) real property owners in any of the counties in which the proposed
20 facility will be located are provided an opportunity to comment on the
21 proposed facility. The applicant shall provide a report to the board
22 containing the minutes of any such meeting and how many people commented
23 on the proposed facility. Documentation received at any such meeting
24 shall be made available to the board upon its request. A meeting
25 described in this subdivision is not subject to the requirements
26 described in subdivision ~~(2)(d)~~ ~~(2)(b)(iv)~~ of section 84-1411.

27 (ii) This subdivision (b) shall not apply if the proposed facility
28 will be located on real property owned by the applicant at the time of
29 application.

30 (2) If the application involves a transmission line or related
31 facilities planned and approved by a regional transmission organization

1 and the regional transmission organization has issued a notice to
2 construct or similar notice or order to a utility to construct the line
3 or related facilities, the board shall also consider information from the
4 regional transmission organization's planning process and may consider
5 the benefits to the region, which shall include Nebraska, provided by the
6 proposed line or related facilities as part of the board's process in
7 determining whether to approve or deny the application.

8 (3) A privately developed renewable energy generation facility is
9 exempt from this section if it complies with section 70-1014.02.

10 **Sec. 2.** Section 70-1014.02, Revised Statutes Supplement, 2025, is
11 amended to read:

12 70-1014.02 (1) The Legislature finds that:

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

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

21 (c) The grasslands of the Nebraska Sandhills and other natural
22 resources in Nebraska will become increasingly valuable, both
23 economically and strategically, as the demand for food and energy
24 increases; and

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

27 (2)(a) A privately developed renewable energy generation facility
28 that meets the requirements of this section is exempt from sections
29 70-1012 to 70-1014.01 if, no less than thirty days prior to the
30 commencement of construction, the owner of the facility:

31 (i) Notifies the board in writing of its intent to commence

1 construction of a privately developed renewable energy generation
2 facility;

3 (ii) Certifies to the board that the facility will meet the
4 requirements for a privately developed renewable energy generation
5 facility;

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

17 (iv) Certifies to the board that the private electric supplier has
18 entered into or prior to commencing construction will enter into a joint
19 transmission development agreement pursuant to subdivision (d) of this
20 subsection with the electric supplier owning the transmission facilities
21 of sixty thousand volts or greater to which the privately developed
22 renewable energy generation facility will interconnect;

23 (v) Certifies to the board that the private electric supplier has
24 consulted with the Game and Parks Commission to identify potential
25 measures to avoid, minimize, and mitigate impacts to species identified
26 under subsection (1) or (2) of section 37-806 during the project planning
27 and design phases, if possible, but in no event later than the
28 commencement of construction; and

29 (vi) For a proposed privately developed renewable energy generation
30 facility that has a generating capacity that is greater than ten
31 megawatts, certifies to the board that the private electric supplier has

1 held at least one public meeting with advanced publicized notice in one
2 of the counties in which the proposed facility will be located at which
3 (A) the private electric supplier explains the need for the proposed
4 facility and the type of facility and (B) real property owners in any of
5 the counties in which the proposed facility will be located are provided
6 an opportunity to comment on the proposed facility. The private electric
7 supplier shall provide a report to the board containing the minutes of
8 any such meeting and how many people commented on the proposed facility.
9 Documentation received at any such meeting shall be made available to the
10 board upon its request. A meeting described in this subdivision is not
11 subject to the requirements described in subdivision ~~(2)(d)~~ ~~(2)(b)(iv)~~ of
12 section 84-1411.

13 (b)(i) No less than thirty days prior to the commencement of
14 construction of a privately developed renewable energy generation
15 facility located within a ten-mile radius of a military installation, the
16 owner of such facility shall:

17 (A) Provide written notice to the board under subdivision (2)(b)(ii)
18 (A) of this section; or

19 (B) Certify in writing to the board that the facility will, upon
20 reaching commercial operation, be in compliance with the critical
21 infrastructure protection requirements issued by the North American
22 Electric Reliability Corporation if such facility is connected to the
23 transmission grid at one hundred kilovolts or higher voltage and has a
24 nameplate rating of twenty megavolt amperes for a single generation unit
25 or is injecting at an aggregate of seventy-five megavolt amperes or
26 greater. The owner of such facility shall also submit written notice to
27 the board at any time such facility is no longer in compliance with such
28 requirements.

29 (ii)(A) An owner of a facility choosing to proceed under subdivision
30 (2)(b)(i)(A) of this section shall, following consultation with such
31 owner's vendors, submit a one-time written notice to the board certifying

1 that the facility continually contains no electronic-related equipment or
2 electronic-related components manufactured by any foreign adversary.

3 (B) The owner shall also submit written notice to the board at any
4 time such facility is no longer in compliance with the certification
5 provided under subdivision (2)(b)(ii)(A) of this section.

6 (iii) Notwithstanding subdivisions (2)(b)(i) and (ii) of this
7 section, the owner of a facility required to provide the certification
8 under subsection (2)(b)(i) may use electronic-related equipment or
9 electronic-related components manufactured by a foreign adversary if the
10 board preapproves the use of such equipment or components after finding
11 that:

12 (A) There is no other reasonable option for procuring such equipment
13 or components; and

14 (B) Not procuring or using such equipment or components would cause
15 a greater harm to the state than the harm associated with the equipment
16 or components.

17 (c) The board may bring an action in the name of the State of
18 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
19 subsection, except that such subdivision does not apply if a local
20 government entity with the authority to create requirements for
21 decommissioning has enacted decommissioning requirements for the
22 applicable jurisdiction.

23 (d) A joint transmission development agreement shall be entered into
24 to address construction, ownership, operation, and maintenance of such
25 additions or upgrades to the transmission facilities as required for the
26 privately developed renewable energy generation facility. The joint
27 transmission development agreement shall be negotiated and executed
28 contemporaneously with the generator interconnection agreement or other
29 directives of the applicable regional transmission organization with
30 jurisdiction over the addition or upgrade of transmission, upon terms
31 consistent with prudent electric utility practices for the

1 interconnection of renewable generation facilities, the electric
2 supplier's reasonable transmission interconnection requirements, and
3 applicable transmission design and construction standards. The electric
4 supplier shall have the right to purchase and own transmission facilities
5 as set forth in the joint transmission development agreement. The private
6 electric supplier of the privately developed renewable energy generation
7 facility shall have the right to construct any necessary facilities or
8 improvements set forth in the joint transmission development agreement
9 pursuant to the standards set forth in the agreement at the private
10 electric supplier's cost.

11 (3) Within ten days after receipt of a written notice complying with
12 subsection (2) of this section, the executive director of the board shall
13 issue a written acknowledgment that the privately developed renewable
14 energy generation facility is exempt from sections 70-1012 to 70-1014.01
15 if such facility remains in compliance with the requirements of this
16 section.

17 (4) The exemption allowed under this section for a privately
18 developed renewable energy generation facility shall extend to and exempt
19 all private electric suppliers owning any interest in the facility,
20 including any successor private electric supplier which subsequently
21 acquires any interest in the facility.

22 (5) No property owned, used, or operated as part of a privately
23 developed renewable energy generation facility shall be subject to
24 eminent domain by a consumer-owned electric supplier operating in the
25 State of Nebraska. Nothing in this section shall be construed to grant
26 the power of eminent domain to a private electric supplier or limit the
27 rights of any entity to acquire any public, municipal, or utility right-
28 of-way across property owned, used, or operated as part of a privately
29 developed renewable energy generation facility as long as the right-of-
30 way does not prevent the operation of or access to the privately
31 developed renewable energy generation facility.

1 (6) Only a consumer-owned electric supplier operating in the State
2 of Nebraska may exercise eminent domain authority to acquire the land
3 rights necessary for the construction of transmission lines and related
4 facilities. There is a rebuttable presumption that the exercise of
5 eminent domain to provide needed transmission lines and related
6 facilities for a privately developed renewable energy generation facility
7 is a public use.

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

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

16 **Sec. 3.** Section 84-1411, Revised Statutes Supplement, 2025, is
17 amended to read:

18 84-1411 (1)(a) Except as provided in subsection (9) of this section,
19 each public body shall give reasonable advance publicized notice of the
20 time and place of each meeting as provided in this subsection. Such
21 notice shall be transmitted to all members of the public body and to the
22 public.

23 (b)(i) Except as provided in subdivision (1)(b)(ii) of this section,
24 in the case of a public body described in subdivision (1)(a)(i) of
25 section 84-1409 or such body's advisory committees, such notice shall be
26 given by:

27 (A)(I) Publication in a newspaper of general circulation within the
28 public body's jurisdiction that is finalized for printing prior to the
29 time and date of the meeting, (II) posting on such newspaper's website,
30 if available, and (III) posting on a statewide website, if available,
31 established and maintained as a repository for such notices by a majority

1 of Nebraska newspapers. Such notice shall be placed in the newspaper and
2 on the websites by the newspaper; or

3 (B)(I) Posting to the newspaper's website, if available, and (II)
4 posting to a statewide website, if available, established and maintained
5 as a repository for such notices by a majority of Nebraska newspapers if
6 no edition of a newspaper of general circulation within the public body's
7 jurisdiction is to be finalized for printing prior to the time and date
8 of the meeting. Such notice shall be placed in the newspaper and on the
9 websites by the newspaper.

10 (ii) In the case of the governing body of a city of the second class
11 or village, any advisory committee of such governing body, or the
12 governing body of a rural or suburban fire protection district, such
13 notice shall be given by:

14 (A)(I) Publication in a newspaper of general circulation within the
15 public body's jurisdiction that is finalized for printing prior to the
16 time and date of the meeting, (II) posting on such newspaper's website,
17 if available, and (III) posting on a statewide website, if available,
18 established and maintained as a repository for such notices by a majority
19 of Nebraska newspapers. Such notice shall be placed in the newspaper and
20 on the websites by the newspaper;

21 (B)(I) Posting to the newspaper's website, if available, and (II)
22 posting on a statewide website, if available, established and maintained
23 as a repository for such notices by a majority of Nebraska newspapers if
24 no edition of a newspaper of general circulation within the public body's
25 jurisdiction is to be finalized for printing prior to the time and date
26 of the meeting. Such notice shall be placed in the newspaper and on the
27 websites by the newspaper; or

28 (C) Posting written notice in three conspicuous public places in
29 such city, village, or district. Such notice shall be posted by the
30 public body in the same three places for each meeting.

31 (iii) In the case of a public body not described in subdivision (1)

1 (b)(i) or (ii) of this section, such notice shall be given by a method
2 designated by the public body.

3 (iv) In case of refusal, neglect, or inability of the newspaper to
4 publish the notice, the public body shall (A) post such notice on its
5 website, if available, (B) request the newspaper submit a post on a
6 statewide website, if available, established and maintained as a
7 repository for such notices by a majority of Nebraska newspapers, and (C)
8 post such notice in a conspicuous public place in such public body's
9 jurisdiction. The public body shall keep a written record of such posting
10 pursuant to subdivision (1)(b)(iv)(A) and (C) of this section and a
11 written record of the request to the newspaper pursuant to subdivision
12 (1)(b)(iv)(B) of this section. The record of such posting shall be
13 evidence that such posting was done as required and shall be sufficient
14 to fulfill the requirement of publication.

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

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

21 (e) Such notice shall contain an agenda of subjects known at the
22 time of the publicized notice or a statement that the agenda, which shall
23 be kept continually current, shall be readily available for public
24 inspection at the principal office of the public body during normal
25 business hours. Agenda items shall be sufficiently descriptive to give
26 the public reasonable notice of the matters to be considered at the
27 meeting. Except for items of an emergency nature, the agenda shall not be
28 altered later than (i) twenty-four hours before the scheduled
29 commencement of the meeting or (ii) forty-eight hours before the
30 scheduled commencement of a meeting of a city council or village board
31 scheduled outside the corporate limits of the municipality. The public

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

3 ~~(2)(a) The following entities may hold a meeting by means of virtual~~
4 ~~conferencing if the requirements of subdivision (2)(b) of this section~~
5 ~~are met:~~

6 ~~(i) A state agency, state board, state commission, state council, or~~
7 ~~state committee, or an advisory committee of any such state entity;~~

8 ~~(ii) An organization, including the governing body, created under~~
9 ~~the Interlocal Cooperation Act, the Joint Public Agency Act, or the~~
10 ~~Municipal Cooperative Financing Act;~~

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

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

15 ~~(v) An educational service unit;~~

16 ~~(vi) The Educational Service Unit Coordinating Council;~~

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

20 ~~(viii) A community college board of governors;~~

21 ~~(ix) The Nebraska Brand Committee;~~

22 ~~(x) A local public health department;~~

23 ~~(xi) A metropolitan utilities district;~~

24 ~~(xii) A regional metropolitan transit authority; and~~

25 ~~(xiii) A natural resources district.~~

26 (2) A public body may hold ~~(b) The requirements for holding a~~
27 meeting by means of virtual conferencing ~~if the following requirements~~
28 are met ~~are as follows:~~

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

1 ~~(b) (ii)~~ In addition to the public's right to participate by virtual
2 conferencing, reasonable arrangements are made to accommodate the
3 public's right to attend at a physical site and participate as provided
4 in section 84-1412, including reasonable seating, in at least one
5 designated site in a building open to the public and identified in the
6 notice, with: At least one member of the public body ~~entity~~ holding such
7 meeting, or his or her designee, present at each site; a recording of the
8 hearing by audio or visual recording devices; and a reasonable
9 opportunity for input, such as public comment or questions, is provided
10 to at least the same extent as would be provided if virtual conferencing
11 was not used;

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

18 ~~(d) (iv)~~ Except as otherwise provided in this subdivision,
19 subsection (1) of section 70-1014, subsection (2) of section 70-1014.02,
20 or subsection (4) of section 79-2204, in the case of a public body whose
21 members are appointed or elected on a statewide basis, other than a
22 public body whose only functions are advisory or conducting studies, no
23 more than one-half of the meetings of the public body state entities,
24 advisory committees, boards, councils, organizations, or governing bodies
25 are held by virtual conferencing in a calendar year. In the case of (i)
26 ~~(A)~~ an organization created under the Interlocal Cooperation Act that
27 sells electricity or natural gas, ~~(ii) (B)~~ an organization created under
28 the Municipal Cooperative Financing Act, ~~(iii) (C)~~ a governing body of a
29 risk management pool, ~~(iv)~~ a public body whose only functions are
30 advisory or conducting studies, or (v) a public body whose members are
31 not appointed or elected on a statewide basis, such public body and any

1 ~~advisory committee of such governing body, or (D) any advisory committee~~
2 ~~of any state entity created in response to the Opioid Prevention and~~
3 ~~Treatment Act, such organization, governing body, or committee~~ may hold
4 more than one-half of its meetings by virtual conferencing if such public
5 body ~~organization~~ holds at least one meeting each calendar year that is
6 not by virtual conferencing.

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

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

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

24 (6) A public body may allow a member of the public or any other
25 witness to appear before the public body by means of virtual
26 conferencing.

27 (7)(a) Notwithstanding subsections (2) and (5) of this section, if
28 an emergency is declared by the Governor pursuant to the Emergency
29 Management Act as defined in section 81-829.39, a public body the
30 territorial jurisdiction of which is included in the emergency
31 declaration, in whole or in part, may hold a meeting by virtual

1 conferencing during such emergency if the public body gives reasonable
2 advance publicized notice as described in subsection (1) of this section.
3 The notice shall include information regarding access for the public and
4 news media. In addition to any formal action taken pertaining to the
5 emergency, the public body may hold such meeting for the purpose of
6 briefing, discussion of public business, formation of tentative policy,
7 or the taking of any action by the public body.

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

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

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

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

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

27 (c) The public body complies with subdivisions (2)(a) ~~(2)(b)(i)~~ and
28 (b) ~~(ii)~~ of this section.

29 (9) This section does not apply to a meeting of the Nebraska Power
30 Review Board or a public power district, a public power and irrigation
31 district, an electric membership association, an electric cooperative

1 company, a municipality having a generation and distribution system, or a
2 registered group of municipalities if such meeting is subject to section
3 70-1034.

4 **Sec. 4.** Original sections 70-1014, 70-1014.02, and 84-1411, Revised
5 Statutes Supplement, 2025, are repealed.