




FACT SHEET

FROM: James P. Pottorff, Vice President and General Counsel 

DATE: May 5, 2021

RE: 2021 Legislation Amending the Public Meetings Act Regarding Virtual Meetings

On April 21, 2021, Governor Ricketts approved LB 83, which permits public entities that are subject to the Nebraska Open Meetings Act to hold up to half of their meetings by virtual conferencing during a calendar year. Following is a summary of the relevant provisions of the bill.

1. **Notice.** Reasonable advance public notice of virtual Board meetings must be given, including access to a dial-in phone number or link to the virtual conference.
2. **Arrangements for Attendance.** In addition to virtual attendance, reasonable arrangements must be made to allow the public to attend at a physical site and participate, including:
 - Reasonable seating for the public located in at least one designated site.
 - At least one member of the Board present at the site.
 - Recording of the meeting.
 - Opportunity for public comment to the same extent as if the meeting were not virtual.
 - At least one copy of all documents considered at the meeting available at the physical site.
 - Links to the electronic copy of the agenda, to all documents considered at the meeting, and to the Open Meetings Act.
3. **Emergency Situations.** If an emergency is declared by the Governor pursuant to the Emergency Management Act, Board meetings may be held by virtual conference if the emergency notice covers any area where a University campus is located. The following requirements apply:
 - Reasonable advance public notice of the meetings, including how to access the meeting.
 - A dial-in phone number or electronic link to the meeting.
 - Links to the electronic copy of the agenda, to all documents considered at the meeting, and to the Open Meetings Act.
 - Reasonable arrangements for the public to hear and speak at the meeting and to record it.
 - Notification to media requesting notification of Board meetings.
 - Nature of the emergency stated in the minutes of the Board meeting.

- **Note:** meetings held virtually pursuant to an emergency declared by the Governor do not count toward the limit of no more than one-half of Board meetings conducted virtually during a calendar year.