



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 391**

Hearing Date: February 1, 2007

Committee On: Government, Military and Veterans Affairs

Introducer(s): (Mines)

Title: Change provisions relating to public records and meetings

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|--|
| 7 | Yes | Senators Adams, Aguilar, Avery, Friend, Mines, Pahls, Rogert |
| 0 | No | |
| 1 | Present, not voting | Senator Karpisek |
| 0 | Absent | |
-

Proponents:

Senator Mick Mines
Lynn Rex
RaNae Edwards

Representing:

Introducer
League of Nebraska Municipalities
League of Nebraska Municipalities

Opponents:

Pamela Daly
Laura Krebsbach
Jack Gould
Bob Twiss
A. J. Bohac
John Knapp
Lynn Moorer
Jarel Vinduska

Representing:

Self
Great Plains Environmental Law Center
Common Cause Nebraska
Self
Self
Self
Eastern Nebraskans Against Chemical Trespass
Self

Neutral:

Alan Peterson

Representing:

Media of Nebraska

Summary of purpose and/or changes:

LB 391 makes several changes to both the public records statutes and the Open Meetings Act, including provisions about access to public records and defining when a citizen has a right to speak at public meetings.

Explanation of amendments, if any:

The committee amendment strikes the original sections and becomes the bill.

The committee amendment specifies that a public body or custodian of a public record is not required to copy, produce, or generate all public records created within a certain time frame, unless a general subject matter request is provided by the person requesting the records. The bill also clarifies that a requester of a public record is allowed both access and copies of public records.

In regards to open meetings, the amendment outlines the procedure for a citizen to recommend subjects for discussion as agenda items at future meetings. Each public body will have a form for citizens to request possible agenda items. Within ten business days of receiving the form, the secretary or other designee of the public body will send the citizen a written statement regarding the status of the request. If the written statement denies the citizen's request to place the item on the agenda, the citizen may send a second written notice requesting the item be placed on the agenda at a future meeting. Within five days after receiving the second request, the secretary or other designee will send the citizen notice of the time, place, and date of the meeting which will include the agenda item as requested. The amendment also specifies this procedure does not prohibit a citizen from requesting a member of the public body place an item on the agenda.

Finally, the committee amendment contains a provision from LB 7 which prohibits a public body from requiring that members of the public be placed on the agenda prior to such meeting in order to speak on agenda items.

Senator Ray Aguilar, Chairperson