

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 622

Introduced by Pirsch, 4

Read first time January 17, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public records and the Open Meetings Act;
2 to amend section 84-1407, Revised Statutes Cumulative
3 Supplement, 2006; to require training courses for all
4 members of a public body, public officers, and public
5 employees; to provide powers and duties for the Attorney
6 General and the Department of Justice; to harmonize
7 provisions; to provide an operative date; and to repeal
8 the original section.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Any member of a public body shall complete
2 a training course regarding the powers and duties of a public body
3 and its members under the Open Meetings Act no later than one year
4 after the day the member (a) takes the oath of office, or (b)
5 assumes his or her duties as a member of a public body, if the
6 member is not required to take an oath of office.

7 (2) The Department of Justice may provide the training
8 course and shall approve any training course offered by a
9 governmental agency or any other entity. The Attorney General
10 shall make at least one approved training course available on a
11 widely available medium at no cost. An approved training course may
12 be provided on the Internet.

13 (3) The training course shall include instruction in:

14 (a) The legal requirements for open meetings;

15 (b) The applicability of the Open Meetings Act to public
16 bodies;

17 (c) Procedures for conducting open meetings and closed
18 sessions under the act; and

19 (d) Penalties for failure to comply with the act.

20 (4) Any governmental agency or other entity providing a
21 training course shall provide a certificate of course completion to
22 any member of a public body who has completed the training course
23 required under this section. A public body shall maintain and make
24 available for public inspection a record of all members who have
25 completed such training course.

1 (5) Completion of the required training course as a
2 member of one public body shall satisfy the requirements of this
3 section with regard to the member's service on a committee or
4 subcommittee of the public body and any ex officio service of the
5 member on any other public body.

6 (6) The failure of any member of a public body to
7 complete the training course required by this section shall not
8 affect the validity of any action taken by the public body and is
9 not a violation of the act.

10 (7) The Attorney General may adopt and promulgate rules
11 and regulations to carry out this section.

12 Sec. 2. Section 84-1407, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 84-1407 Sections 84-1407 to 84-1414 and section 1 of this
15 act shall be known and may be cited as the Open Meetings Act.

16 Sec. 3. (1) Any public officer or public employee subject
17 to this section under subsection (9) of this section shall complete
18 a training course regarding sections 84-712 to 84-712.09 no later
19 than one year after the day the officer or employee (a) takes the
20 oath of office or (b) assumes his or her duties with a governmental
21 agency, if not required to take an oath of office.

22 (2) A public officer may designate a public records
23 coordinator to complete the training requirements of this section
24 for the public officer if the coordinator is primarily responsible
25 for administering the responsibilities of the public officer or his

1 or her governmental agency under sections 84-712 to 84-712.09. The
2 designation of a public records coordinator under this subsection
3 shall not relieve a public officer from the duty to comply with any
4 other applicable requirements of sections 84-712 to 84-712.09. The
5 designated public records coordinator shall complete the training
6 course required under this section no later than one year after the
7 day the coordinator assumes his or her duties.

8 (3) The Department of Justice may provide the training
9 course and shall approve any training course offered by a
10 governmental agency or any other entity. The Attorney General
11 shall make at least one approved training course available on a
12 widely available medium at no cost. An approved training course may
13 be provided on the Internet.

14 (4) The training course shall include instruction in:

15 (a) The legal requirements of sections 84-712 to
16 84-712.09;

17 (b) Procedures and requirements regarding complying with
18 a request for public records pursuant to sections 84-712 to
19 84-712.09; and

20 (c) Penalties and other consequences for failure to
21 comply with sections 84-712 to 84-712.09.

22 (5) Any governmental agency or other entity providing a
23 training course shall provide a certificate of course completion to
24 any public officer, public records coordinator, or public employee
25 who has completed the training course required under this section.

1 A governmental agency shall maintain and make available for public
2 inspection a record of its public officers, public employees, or,
3 if applicable, its public records coordinators who have completed
4 such training course.

5 (6) Completion of the required training course as a
6 public officer or public employee of one governmental agency
7 shall satisfy the requirements of this section with regard to a
8 public officer's or public employee's service on a committee or
9 subcommittee of the governmental agency and any ex officio service
10 of the officer or employee on any other governmental agency.

11 (7) The Attorney General may adopt and promulgate rules
12 and regulations to carry out this section.

13 (8) This section applies to an elected or appointed
14 public officer or a public employee who is (a) a member of a
15 multi-member governmental agency, (b) the governing officer of a
16 governmental agency that is headed by a single officer rather
17 than by a multi-member governing body, or (c) the public records
18 coordinator of a governmental agency. For purposes of this section,
19 a governmental agency includes any of the units of government
20 listed in section 84-712.01.

21 Sec. 4. This act becomes operative on January 1, 2008.

22 Sec. 5. Original section 84-1407, Revised Statutes
23 Cumulative Supplement, 2006, is repealed.