

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 7

Introduced By: Preister, 5;
Read first time: Jan 4, 2007
Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Open Meetings Act; to amend sections
2 84-1409 and 84-1412, Revised Statutes Cumulative Supplement,
3 2006; to change the rights of the public with regard to
4 agenda items as prescribed; to define a term; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1409 Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 84-1409. For purposes of the Open Meetings Act, unless the
4 context otherwise requires:

5 (1)(a) Public body means (i) governing bodies of all
6 political subdivisions of the State of Nebraska, (ii) governing bodies
7 of all agencies, created by the Constitution of Nebraska, statute, or
8 otherwise pursuant to law, of the executive department of the State of
9 Nebraska, (iii) all independent boards, commissions, bureaus,
10 committees, councils, subunits, or any other bodies created by the
11 Constitution of Nebraska, statute, or otherwise pursuant to law, (iv)
12 all study or advisory committees of the executive department of the
13 State of Nebraska whether having continuing existence or appointed as
14 special committees with limited existence, (v) advisory committees of
15 the bodies referred to in subdivisions (i), (ii), and (iii) of this
16 subdivision, and (vi) instrumentalities exercising essentially public
17 functions; and

18 (b) Public body does not include (i) subcommittees of such
19 bodies unless a quorum of the public body attends a subcommittee
20 meeting or unless such subcommittees are holding hearings, making
21 policy, or taking formal action on behalf of their parent body, (ii)
22 entities conducting judicial proceedings unless a court or other
23 judicial body is exercising rulemaking authority, deliberating, or
24 deciding upon the issuance of administrative orders, and (iii) the
25 Policy Cabinet created in section 81-3009;

26 (2) Meeting means all regular, special, or called meetings,
27 formal or informal, of any public body for the purposes of briefing,

1 discussion of public business, formation of tentative policy, or the
2 taking of any action of the public body; ~~and~~

3 (3) Videoconferencing means conducting a meeting involving
4 participants at two or more locations through the use of audio-video
5 equipment which allows participants at each location to hear and see
6 each meeting participant at each other location, including public
7 input. Interaction between meeting participants shall be possible at
8 all meeting locations; and -

9 (4) New business means any item not on the agenda of a
10 meeting which is not of an emergency nature.

11 Sec. 2. Section 84-1412 Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 84-1412. (1) Subject to the Open Meetings Act, the public
14 has the right to attend and the right to speak at meetings of public
15 bodies, and all or any part of a meeting of a public body, except for
16 closed sessions called pursuant to section 84-1410, may be videotaped,
17 televised, photographed, broadcast, or recorded by any person in
18 attendance by means of a tape recorder, camera, video equipment, or
19 any other means of pictorial or sonic reproduction or in writing.

20 (2) It shall not be a violation of subsection (1) of this
21 section for any public body to make and enforce reasonable rules and
22 regulations regarding the conduct of persons attending, speaking at,
23 videotaping, televising, photographing, broadcasting, or recording its
24 meetings. A body may not be required to allow citizens to speak at
25 each meeting, but it may not forbid public participation at all
26 meetings. If a citizen speaks on an item of new business, members of
27 such body may engage in discussion with the citizen but shall not

1 take any action on such business that requires a vote of the body at
2 that meeting.

3 (3) No public body shall require members of the public to
4 identify themselves as a condition for admission to the meeting nor
5 shall such body require that members of the public be placed on the
6 agenda prior to such meeting in order to speak to the body regarding
7 items on the agenda or any new business. The body may require any
8 member of the public desiring to address the body to identify himself
9 or herself.

10 (4) No public body shall, for the purpose of circumventing
11 the Open Meetings Act, hold a meeting in a place known by the body to
12 be too small to accommodate the anticipated audience.

13 (5) No public body shall be deemed in violation of this
14 section if it holds its meeting in its traditional meeting place which
15 is located in this state.

16 (6) No public body shall be deemed in violation of this
17 section if it holds a meeting outside of this state if, but only if:

18 (a) A member entity of the public body is located outside of
19 this state and the meeting is in that member's jurisdiction;

20 (b) All out-of-state locations identified in the notice are
21 located within public buildings used by members of the entity or at a
22 place which will accommodate the anticipated audience;

23 (c) Reasonable arrangements are made to accommodate the
24 public's right to attend, hear, and speak at the meeting, including
25 making a telephone conference call available at an in-state location to
26 members, the public, or the press, if requested twenty-four hours in
27 advance;

1 (d) No more than twenty-five percent of the public body's
2 meetings in a calendar year are held out-of-state;

3 (e) Out-of-state meetings are not used to circumvent any of
4 the public government purposes established in the Open Meetings Act;

5 (f) Reasonable arrangements are made to provide viewing at
6 other instate locations for a videoconference meeting if requested
7 fourteen days in advance and if economically and reasonably available
8 in the area; and

9 (g) The public body publishes notice of the out-of-state
10 meeting at least twenty-one days before the date of the meeting in a
11 legal newspaper of statewide circulation.

12 (7) The public body shall, upon request, make a reasonable
13 effort to accommodate the public's right to hear the discussion and
14 testimony presented at the meeting.

15 (8) Public bodies shall make available at the meeting or the
16 instate location for a telephone conference call or videoconference,
17 for examination and copying by members of the public, at least one
18 copy of all reproducible written material to be discussed at an open
19 meeting . Public bodies shall make available at least one current copy
20 of the Open Meetings Act posted in the meeting room at a location
21 accessible to members of the public. At the beginning of the meeting,
22 the public shall be informed about the location of the posted
23 information.

24 Sec. 3. Original sections 84-1409 and 84-1412, Revised
25 Statutes Cumulative Supplement, 2006, are repealed.