

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 393

Introduced by Adams, 24.

Read first time January 16, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to educational service units; to amend
2 sections 79-1246 and 84-1411, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to the agenda
4 for meetings of the Educational Service Unit Coordinating
5 Council; to harmonize provisions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1246, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1246 (1) The Educational Service Unit Coordinating
4 Council shall work toward statewide coordination to provide the
5 most cost-effective services for the students, teachers, and school
6 districts in each educational service unit. The council's duties
7 include, but are not limited to:

8 (a) Preparation of strategic plans to assure the
9 cost-efficient and equitable delivery of services across the state;

10 (b) Administration of statewide initiatives and provision
11 of statewide services; and

12 (c) Coordination of distance education.

13 (2) All activities conducted by the council shall be
14 conducted in accordance with the Open Meetings Act. The council
15 shall provide each educational service unit administrator with
16 notice of council meetings, including an agenda, pursuant to the
17 requirements of section 84-1411. Each educational service unit
18 administrator shall be responsible for sharing the agenda with
19 the educational service unit board he or she represents and for
20 receiving input from such board prior to the council meeting.

21 This section does not require or provide for state control of
22 the operations of any educational service unit or abridge the
23 governance ability, rights, or responsibilities of any educational
24 service unit board.

25 Sec. 2. Section 84-1411, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 84-1411 (1) Each public body shall give reasonable
3 advance publicized notice of the time and place of each meeting
4 by a method designated by each public body and recorded in its
5 minutes. Such notice shall be transmitted to all members of the
6 public body and to the public. For meetings of the Educational
7 Service Unit Coordinating Council, such notice shall also be
8 transmitted to all educational service unit administrators at
9 least thirty days before the scheduled commencement of the meeting
10 except as provided in subsection (5) of this section. Such notice
11 shall contain an agenda of subjects known at the time of the
12 publicized notice or a statement that the agenda, which shall be
13 kept continually current, shall be readily available for public
14 inspection at the principal office of the public body during normal
15 business hours. Agenda items shall be sufficiently descriptive to
16 give the public reasonable notice of the matters to be considered
17 at the meeting. Except for items of an emergency nature, the agenda
18 shall not be altered later than (a) twenty-four hours before the
19 scheduled commencement of the meeting or (b) forty-eight hours
20 before the scheduled commencement of a meeting of a city council
21 or village board scheduled outside the corporate limits of the
22 municipality. The public body shall have the right to modify the
23 agenda to include items of an emergency nature only at such public
24 meeting.

25 (2) A meeting of a state agency, state board, state

1 commission, state council, or state committee, of an advisory
2 committee of any such state entity, of an organization created
3 under the Interlocal Cooperation Act, the Joint Public Agency Act,
4 or the Municipal Cooperative Financing Act, of the governing body
5 of a public power district having a chartered territory of more
6 than fifty counties in this state, or of the governing body of
7 a risk management pool or its advisory committees organized in
8 accordance with the Intergovernmental Risk Management Act may be
9 held by means of videoconferencing or, in the case of the Judicial
10 Resources Commission in those cases specified in section 24-1204,
11 by telephone conference, if:

12 (a) Reasonable advance publicized notice is given;

13 (b) Reasonable arrangements are made to accommodate the
14 public's right to attend, hear, and speak at the meeting, including
15 seating, recordation by audio or visual recording devices, and
16 a reasonable opportunity for input such as public comment or
17 questions to at least the same extent as would be provided if
18 videoconferencing or telephone conferencing was not used;

19 (c) At least one copy of all documents being considered
20 is available to the public at each site of the videoconference or
21 telephone conference;

22 (d) At least one member of the state entity, advisory
23 committee, or governing body is present at each site of the
24 videoconference or telephone conference; and

25 (e) No more than one-half of the state entity's, advisory

1 committee's, or governing body's meetings in a calendar year are
2 held by videoconference or telephone conference.

3 Videoconferencing, telephone conferencing, or
4 conferencing by other electronic communication shall not be used
5 to circumvent any of the public government purposes established
6 in the Open Meetings Act.

7 (3) A meeting of the governing body of an entity formed
8 under the Interlocal Cooperation Act, the Joint Public Agency Act,
9 or the Municipal Cooperative Financing Act or of the governing body
10 of a risk management pool or its advisory committees organized in
11 accordance with the Intergovernmental Risk Management Act may be
12 held by telephone conference call if:

13 (a) The territory represented by the member public
14 agencies of the entity or pool covers more than one county;

15 (b) Reasonable advance publicized notice is given which
16 identifies each telephone conference location at which a member of
17 the entity's or pool's governing body will be present;

18 (c) All telephone conference meeting sites identified in
19 the notice are located within public buildings used by members
20 of the entity or pool or at a place which will accommodate the
21 anticipated audience;

22 (d) Reasonable arrangements are made to accommodate the
23 public's right to attend, hear, and speak at the meeting, including
24 seating, recordation by audio recording devices, and a reasonable
25 opportunity for input such as public comment or questions to

1 at least the same extent as would be provided if a telephone
2 conference call was not used;

3 (e) At least one copy of all documents being considered
4 is available to the public at each site of the telephone conference
5 call;

6 (f) At least one member of the governing body of the
7 entity or pool is present at each site of the telephone conference
8 call identified in the public notice;

9 (g) The telephone conference call lasts no more than one
10 hour; and

11 (h) No more than one-half of the entity's or pool's
12 meetings in a calendar year are held by telephone conference call.

13 Nothing in this subsection shall prevent the
14 participation of consultants, members of the press, and
15 other nonmembers of the governing body at sites not identified in
16 the public notice. Telephone conference calls, emails, faxes, or
17 other electronic communication shall not be used to circumvent any
18 of the public government purposes established in the Open Meetings
19 Act.

20 (4) The secretary or other designee of each public body
21 shall maintain a list of the news media requesting notification
22 of meetings and shall make reasonable efforts to provide advance
23 notification to them of the time and place of each meeting and the
24 subjects to be discussed at that meeting.

25 (5) When it is necessary to hold an emergency meeting

1 without reasonable advance public notice, the nature of the
2 emergency shall be stated in the minutes and any formal action
3 taken in such meeting shall pertain only to the emergency.
4 Such emergency meetings may be held by means of electronic or
5 telecommunication equipment. The provisions of subsection (4)
6 of this section shall be complied with in conducting emergency
7 meetings. Complete minutes of such emergency meetings specifying
8 the nature of the emergency and any formal action taken at the
9 meeting shall be made available to the public by no later than the
10 end of the next regular business day.

11 (6) A public body may allow a member of the public or
12 any other witness other than a member of the public body to appear
13 before the public body by means of video or telecommunications
14 equipment.

15 Sec. 3. Original sections 79-1246 and 84-1411, Reissue
16 Revised Statutes of Nebraska, are repealed.