

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 444

Introduced by Avery, 28.

Read first time January 14, 2011

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to the Open Meetings Act; to amend section
- 2 84-1411, Revised Statutes Cumulative Supplement, 2010; to
- 3 provide examples of methods for giving public notice; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1411, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 84-1411 (1) Each public body shall give reasonable
4 advance publicized notice of the time and place of each meeting by a
5 method designated by each public body and recorded in its minutes.
6 Methods of providing such notice shall include, but not be limited
7 to, publication in a newspaper of general circulation, posting on the
8 public body's web site, or posting in a public building in the
9 community. Such notice shall be transmitted to all members of the
10 public body and to the public. Such notice shall contain an agenda of
11 subjects known at the time of the publicized notice or a statement
12 that the agenda, which shall be kept continually current, shall be
13 readily available for public inspection at the principal office of
14 the public body during normal business hours. Agenda items shall be
15 sufficiently descriptive to give the public reasonable notice of the
16 matters to be considered at the meeting. Except for items of an
17 emergency nature, the agenda shall not be altered later than (a)
18 twenty-four hours before the scheduled commencement of the meeting or
19 (b) forty-eight hours before the scheduled commencement of a meeting
20 of a city council or village board scheduled outside the corporate
21 limits of the municipality. The public body shall have the right to
22 modify the agenda to include items of an emergency nature only at
23 such public meeting.

24 (2) A meeting of a state agency, state board, state
25 commission, state council, or state committee, of an advisory

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

11 (a) Reasonable advance publicized notice is given;

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

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

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

24 (e) No more than one-half of the state entity's, advisory
25 committee's, board's, or governing body's meetings in a calendar year

1 are held by videoconference or telephone conference.

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

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

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

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

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

24 (d) Reasonable arrangements are made to accommodate the
25 public's right to attend, hear, and speak at the meeting, including

1 seating, recordation by audio recording devices, and a reasonable
2 opportunity for input such as public comment or questions to at least
3 the same extent as would be provided if a telephone conference call
4 was not used;

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

8 (f) At least one member of the educational service unit
9 board or governing body of the entity or pool is present at each site
10 of the telephone conference call identified in the public notice;

11 (g) The telephone conference call lasts no more than one
12 hour; and

13 (h) No more than one-half of the board's, entity's, or
14 pool's meetings in a calendar year are held by telephone conference
15 call, except that a governing body of a risk management pool that
16 meets at least quarterly and the advisory committees of the governing
17 body may each hold more than one-half of its meetings by telephone
18 conference call if the governing body's quarterly meetings are not
19 held by telephone conference call or videoconferencing.

20 Nothing in this subsection shall prevent the
21 participation of consultants, members of the press, and other
22 nonmembers of the governing body at sites not identified in the
23 public notice. Telephone conference calls, emails, faxes, or other
24 electronic communication shall not be used to circumvent any of the
25 public government purposes established in the Open Meetings Act.

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

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

16 (6) A public body may allow a member of the public or any
17 other witness other than a member of the public body to appear before
18 the public body by means of video or telecommunications equipment.

19 Sec. 2. Original section 84-1411, Revised Statutes
20 Cumulative Supplement, 2010, is repealed.