

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 735**

Introduced by Schumacher, 22.

Read first time January 04, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public meetings; to amend section 84-1411,  
2 Revised Statutes Cumulative Supplement, 2010; to provide  
3 for meetings of a community college board of governors to  
4 be held by videoconferencing or telephone conference; and  
5 to repeal the original section.  
6 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 Such notice shall be transmitted to all members of the public body  
7 and to the public. Such notice shall contain an agenda of subjects  
8 known at the time of the publicized notice or a statement that the  
9 agenda, which shall be kept continually current, shall be readily  
10 available for public inspection at the principal office of the public  
11 body during normal business hours. Agenda items shall be sufficiently  
12 descriptive to give the public reasonable notice of the matters to be  
13 considered at the meeting. Except for items of an emergency nature,  
14 the agenda shall not be altered later than (a) twenty-four hours  
15 before the scheduled commencement of the meeting or (b) forty-eight  
16 hours before the scheduled commencement of a meeting of a city  
17 council or village board scheduled outside the corporate limits of  
18 the municipality. The public body shall have the right to modify the  
19 agenda to include items of an emergency nature only at such public  
20 meeting.

21           (2) A meeting of a state agency, state board, state  
22 commission, state council, or state committee, of an advisory  
23 committee of any such state entity, of an organization created under  
24 the Interlocal Cooperation Act, the Joint Public Agency Act, or the  
25 Municipal Cooperative Financing Act, of the governing body of a

1 public power district having a chartered territory of more than fifty  
2 counties in this state, of a board of an educational service unit, ~~or~~  
3 of the governing body of a risk management pool or its advisory  
4 committees organized in accordance with the Intergovernmental Risk  
5 Management Act, or of a community college board of governors may be  
6 held by means of videoconferencing or, in the case of the Judicial  
7 Resources Commission in those cases specified in section 24-1204, by  
8 telephone conference, if:

9 (a) Reasonable advance publicized notice is given;

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

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

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

22 (e) No more than one-half of the state entity's, advisory  
23 committee's, board's, or governing body's meetings in a calendar year  
24 are held by videoconference or telephone conference.

25 Videoconferencing, telephone conferencing, or

1 conferencing by other electronic communication shall not be used to  
2 circumvent any of the public government purposes established in the  
3 Open Meetings Act.

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

12 (a) The territory represented by the educational service  
13 unit, community college board of governors, or member public agencies  
14 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 an educational  
17 service unit board member, a member of a community college board of  
18 governors, or a member of the entity's or pool's governing body will  
19 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, community college board of governors  
23 or entity or pool or at a place which will accommodate the  
24 anticipated audience;

25 (d) Reasonable arrangements are made to accommodate the

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

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

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

13 (g) The telephone conference call lasts no more than one  
14 hour; and

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

22 Nothing in this subsection shall prevent the  
23 participation of consultants, members of the press, and other  
24 nonmembers of the governing body at sites not identified in the  
25 public notice. Telephone conference calls, emails, faxes, or other

1 electronic communication shall not be used to circumvent any of the  
2 public government purposes established in the Open Meetings Act.

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

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

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

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