

AMENDMENTS TO LB 510

Introduced by Scheer

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 84-1411, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

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

23           (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 one county in this state, of the governing body of a public  
7 power and irrigation district having a chartered territory of more  
8 than one county in this state, of a board of an educational service  
9 unit, of the Educational Service Unit Coordinating Council, of the  
10 governing body of a risk management pool or its advisory committees  
11 organized in accordance with the Intergovernmental Risk Management  
12 Act, or of a community college board of governors may be held  
13 by means of videoconferencing or, in the case of the Judicial  
14 Resources Commission in those cases specified in section 24-1204,  
15 by telephone conference, if:

16 (a) Reasonable advance publicized notice is given;

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

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

26 (d) At least one member of the state entity, advisory  
27 committee, board, council, or governing body is present at each

1 site of the videoconference or telephone conference; and

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

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

9 (3) A meeting of a board of an educational service  
10 unit, of the Educational Service Unit Coordinating Council, of the  
11 governing body of an entity formed under the Interlocal Cooperation  
12 Act, the Joint Public Agency Act, or the Municipal Cooperative  
13 Financing Act, of the governing body of a risk management pool  
14 or its advisory committees organized in accordance with the  
15 Intergovernmental Risk Management Act, of a community college board  
16 of governors, of the governing body of a public power district, or  
17 of the governing body of a public power and irrigation district may  
18 be held by telephone conference call if:

19 (a) The territory represented by the educational service  
20 unit, member educational service units, community college board  
21 of governors, public power district, public power and irrigation  
22 district, or member public agencies of the entity or pool covers  
23 more than one county;

24 (b) Reasonable advance publicized notice is given  
25 which identifies each telephone conference location at which  
26 an educational service unit board member, a council member, a  
27 member of a community college board of governors, a member of

1 the governing body of a public power district, a member of the  
2 governing body of a public power and irrigation district, or a  
3 member of the entity's or pool's governing body will be present;

4 (c) All telephone conference meeting sites identified in  
5 the notice are located within public buildings used by members  
6 of the educational service unit board, council, community college  
7 board of governors, governing body of the public power district,  
8 governing body of the public power and irrigation district, or  
9 entity or pool or at a place which will accommodate the anticipated  
10 audience;

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

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

20 (f) At least one member of the educational service unit  
21 board, council, community college board of governors, governing  
22 body of the public power district, governing body of the public  
23 power and irrigation district, or governing body of the entity  
24 or pool is present at each site of the telephone conference call  
25 identified in the public notice;

26 (g) The telephone conference call lasts no more than ~~one~~  
27 ~~hour~~; two hours; and

1           (h) No more than one-half of the board's, council's,  
2 governing body's, entity's, or pool's meetings in a calendar year  
3 are held by telephone conference call, except that a governing  
4 body of a risk management pool that meets at least quarterly and  
5 the advisory committees of the governing body may each hold more  
6 than one-half of its meetings by telephone conference call if  
7 the governing body's quarterly meetings are not held by telephone  
8 conference call or videoconferencing.

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

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

21           (5) When it is necessary to hold an emergency meeting  
22 without reasonable advance public notice, the nature of the  
23 emergency shall be stated in the minutes and any formal action  
24 taken in such meeting shall pertain only to the emergency.  
25 Such emergency meetings may be held by means of electronic or  
26 telecommunication equipment. The provisions of subsection (4)  
27 of this section shall be complied with in conducting emergency

1 meetings. Complete minutes of such emergency meetings specifying  
2 the nature of the emergency and any formal action taken at the  
3 meeting shall be made available to the public by no later than the  
4 end of the next regular business day.

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

9 Sec. 2. Original section 84-1411, Revised Statutes  
10 Cumulative Supplement, 2012, is repealed.