

AMENDMENTS TO LB127

Introduced by Government, Military and Veterans Affairs.

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

3 Section 1. Section 84-1411, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 84-1411 (1)(a)(i) ~~(1)~~ Each public body shall give reasonable
6 advance publicized notice of the time and place of each meeting ~~by a~~
7 ~~method designated by each public body and recorded in its minutes.~~ Such
8 notice shall be transmitted to all members of the public body and to the
9 public.

10 (ii) In the case of a public body described in subdivision (1)(a)(i)
11 of section 84-1409 or such body's advisory committee, such notice shall
12 be published in a newspaper of general circulation within the public
13 body's jurisdiction and, if available, in a digital advertisement on such
14 newspaper's web site. Such notice may also be provided by any other
15 appropriate method designated by the public body or such advisory
16 committee.

17 (iii) In the case of any other public body, such notice shall be
18 given by a method designated by the public body.

19 (b) The public body shall record the methods and dates of such
20 notice in its minutes.

21 (c) Such notice shall contain an agenda of subjects known at the
22 time of the publicized notice or a statement that the agenda, which shall
23 be kept continually current, shall be readily available for public
24 inspection at the principal office of the public body during normal
25 business hours. Agenda items shall be sufficiently descriptive to give
26 the public reasonable notice of the matters to be considered at the
27 meeting. Except for items of an emergency nature, the agenda shall not be

1 altered later than (i) ~~(a)~~ twenty-four hours before the scheduled
2 commencement of the meeting or (ii) ~~(b)~~ forty-eight hours before the
3 scheduled commencement of a meeting of a city council or village board
4 scheduled outside the corporate limits of the municipality. The public
5 body shall have the right to modify the agenda to include items of an
6 emergency nature only at such public meeting.

7 (2) A meeting of a state agency, state board, state commission,
8 state council, or state committee, of an advisory committee of any such
9 state entity, of an organization created under the Interlocal Cooperation
10 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
11 Act, of the governing body of a public power district having a chartered
12 territory of more than one county in this state, of the governing body of
13 a public power and irrigation district having a chartered territory of
14 more than one county in this state, of a board of an educational service
15 unit, of the Educational Service Unit Coordinating Council, of the
16 governing body of a risk management pool or its advisory committees
17 organized in accordance with the Intergovernmental Risk Management Act,
18 or of a community college board of governors may be held by means of
19 videoconferencing or, in the case of the Judicial Resources Commission in
20 those cases specified in section 24-1204, by telephone conference, if:

21 (a) Reasonable advance publicized notice is given as provided in
22 subsection (1) of this section;

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

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

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

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

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

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

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

23 (b) Reasonable advance publicized notice is given as provided in
24 subsection (1) of this section which identifies each telephone conference
25 location at which an educational service unit board member, a council
26 member, a member of a community college board of governors, a member of
27 the governing body of a public power district, a member of the governing
28 body of a public power and irrigation district, or a member of the
29 entity's or pool's governing body will be present;

30 (c) All telephone conference meeting sites identified in the notice
31 are located within public buildings used by members of the educational

1 service unit board, council, community college board of governors,
2 governing body of the public power district, governing body of the public
3 power and irrigation district, or entity or pool or at a place which will
4 accommodate the anticipated audience;

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

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

12 (f) At least one member of the educational service unit board,
13 council, community college board of governors, governing body of the
14 public power district, governing body of the public power and irrigation
15 district, or governing body of the entity or pool is present at each site
16 of the telephone conference call identified in the public notice;

17 (g) The telephone conference call lasts no more than two hours; and

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

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

31 (4) The secretary or other designee of each public body shall

1 maintain a list of the news media requesting notification of meetings and
2 shall make reasonable efforts to provide advance notification to them of
3 the time and place of each meeting and the subjects to be discussed at
4 that meeting.

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

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

18 Sec. 2. Original section 84-1411, Reissue Revised Statutes of
19 Nebraska, is repealed.