



**Ninety-Ninth Legislature - Second Session - 2006
Committee Statement
LB 898**

Hearing Date: January 25, 2006

Committee On: Government, Military and Veterans Affairs

Introducer(s): (Preister)

Title: Change provisions relating to the Open Meetings Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

5	Yes	Senators Brown, Mines, Pahls, Schimek, Wehrbein
0	No	
1	Present, not voting	Senator Langemeier
2	Absent	Senators Burling, Fischer

Proponents:

Senator Don Preister
Alan Peterson
Jack Gould
Dick Herman
Kenneth Winston
Bob Rose
Lynn Rex
Lynn Moorer

Jarel Vinduska
John Knapp

Representing:

Introducer
Media of Nebraska
Common Cause Nebraska
Self
Nebraska Chapter Sierra Club
Self
League of Nebraska Municipalities
Citizens Leading Environmental Action in Nebraska
Eastern Nebraskans Against Chemical Trespass
Mr. Lorus Luetkenhaus
Ms. Melissa Konecky
Self
Self

Opponents:

Elaine Menzel
Donald Shuda
Kristen Gottschalk
Garold Chalupa

Representing:

Nebraska Association of County Officials
Hall County Veterans' Service Officer
Nebraska Power Association
County Veterans Service Officers Association of Nebraska
Nebraska Veterans Council

Neutral:
Frank Daley

Representing:
Nebraska Accountability and Disclosure
Commission

Summary of purpose and/or changes:

LB 898 makes several changes to the Open Meetings Act.

The bill requires a public body, which decides to hold a closed session to protect the reputation of an individual, to notify the individual at least 24 hours prior to the meeting and give the individual the opportunity to request a public meeting.

The specific subject matter and reason for the closed session will be identified in the motion to close. If the motion to close passes, the presiding officer will restate on the record the specific subject matter of the closed session. Upon reconvening, the officer will confirm on the record that no other subject matter was discussed and no formal or informal vote was taken during the closed session.

The bill requires agenda items to be sufficiently detailed to give persons reasonable advance information about the item.

Public bodies will post at least one current copy of the Open Meetings Act accessible to the public and inform the public of its location.

Finally, the bill provides that when a citizen files a lawsuit alleging a violation of the Open Meetings Act, the public body can not use as a defense that the citizen attended the meeting and failed to object at the time.

Explanation of amendments, if any:

The committee amendment makes several changes to the original bill.

First, the amendment eliminates the requirement that an individual who will be discussed in a closed session be notified at least 24 hours prior to the meeting and be given the opportunity to request a public meeting.

Second, the amendment eliminates the requirement that the presiding officer, upon reconvening after a closed session, confirm on the record that only the subject matter of the closed session was discussed and no formal or informal vote was taken.

Additionally, the amendment eliminates the word “specific” when describing the subject matter of a closed session, and the proposals and projects listed on the agenda. It also changes the requirement that the agenda be “sufficiently detailed” to “sufficiently descriptive.”

Senator DiAnna R. Schimek, Chairperson