

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 962

FINAL READING

Introduced by Preister, 5; Flood, 19; Pirsch, 4.

Read first time January 15, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Open Meetings Act; to amend section
2 84-1412, Revised Statutes Cumulative Supplement, 2006; to
3 change provisions relating to meetings of a public body;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1412, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 84-1412 (1) Subject to the Open Meetings Act, the public
4 has the right to attend and the right to speak at meetings of
5 public bodies, and all or any part of a meeting of a public body,
6 except for closed sessions called pursuant to section 84-1410, may
7 be videotaped, televised, photographed, broadcast, or recorded by
8 any person in attendance by means of a tape recorder, camera, video
9 equipment, or any other means of pictorial or sonic reproduction or
10 in writing.

11 (2) It shall not be a violation of subsection (1) of
12 this section for any public body to make and enforce reasonable
13 rules and regulations regarding the conduct of persons attending,
14 speaking at, videotaping, televising, photographing, broadcasting,
15 or recording its meetings. A body may not be required to allow
16 citizens to speak at each meeting, but it may not forbid public
17 participation at all meetings.

18 (3) No public body shall require members of the public to
19 identify themselves as a condition for admission to the meeting nor
20 shall such body require that the name of any member of the public
21 be placed on the agenda prior to such meeting in order to speak
22 about items on the agenda. The body may require any member of the
23 public desiring to address the body to identify himself or herself.

24 (4) No public body shall, for the purpose of
25 circumventing the Open Meetings Act, hold a meeting in a place

1 known by the body to be too small to accommodate the anticipated
2 audience.

3 (5) No public body shall be deemed in violation of this
4 section if it holds its meeting in its traditional meeting place
5 which is located in this state.

6 (6) No public body shall be deemed in violation of this
7 section if it holds a meeting outside of this state if, but only
8 if:

9 (a) A member entity of the public body is located outside
10 of this state and the meeting is in that member's jurisdiction;

11 (b) All out-of-state locations identified in the notice
12 are located within public buildings used by members of the entity
13 or at a place which will accommodate the anticipated audience;

14 (c) Reasonable arrangements are made to accommodate the
15 public's right to attend, hear, and speak at the meeting, including
16 making a telephone conference call available at an instate location
17 to members, the public, or the press, if requested twenty-four
18 hours in advance;

19 (d) No more than twenty-five percent of the public body's
20 meetings in a calendar year are held out-of-state;

21 (e) Out-of-state meetings are not used to circumvent any
22 of the public government purposes established in the Open Meetings
23 Act;

24 (f) Reasonable arrangements are made to provide viewing
25 at other instate locations for a videoconference meeting if

1 requested fourteen days in advance and if economically and
2 reasonably available in the area; and

3 (g) The public body publishes notice of the out-of-state
4 meeting at least twenty-one days before the date of the meeting in
5 a legal newspaper of statewide circulation.

6 (7) The public body shall, upon request, make a
7 reasonable effort to accommodate the public's right to hear the
8 discussion and testimony presented at the meeting.

9 (8) Public bodies shall make available at the meeting
10 or the instate location for a telephone conference call or
11 videoconference, for examination and copying by members of the
12 public, at least one copy of all reproducible written material to
13 be discussed at an open meeting. Public bodies shall make available
14 at least one current copy of the Open Meetings Act posted in the
15 meeting room at a location accessible to members of the public. At
16 the beginning of the meeting, the public shall be informed about
17 the location of the posted information.

18 Sec. 2. Original section 84-1412, Revised Statutes
19 Cumulative Supplement, 2006, is repealed.