

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 465**

Introduced by Christensen, 44.

Read first time January 20, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to educational service units; to amend  
2 sections 79-1218 and 84-1411, Reissue Revised Statutes of  
3 Nebraska; to provide for videoconferencing and telephone  
4 conferences of board meetings; to harmonize provisions;  
5 and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 79-1218, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           79-1218 The board of each educational service unit shall  
4 meet and organize by naming one of its members as president, one  
5 as vice president, and one as secretary. The board shall employ a  
6 treasurer who shall be paid a salary to be fixed by the board.

7           The board of the educational service unit shall determine  
8 the participation of the educational service unit in providing  
9 supplementary educational services. If the board of the educational  
10 service unit does not provide supplementary educational services,  
11 it shall meet during each succeeding January to determine the  
12 participation in providing supplementary educational services  
13 for that calendar year. Meetings may be held by means of  
14 videoconferencing or telephone conference in accordance with  
15 subsections (2) and (3) of section 84-1411.

16           Sec. 2. Section 84-1411, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           84-1411 (1) Each public body shall give reasonable  
19 advance publicized notice of the time and place of each meeting  
20 by a method designated by each public body and recorded in its  
21 minutes. Such notice shall be transmitted to all members of the  
22 public body and to the public. Such notice shall contain an  
23 agenda of subjects known at the time of the publicized notice  
24 or a statement that the agenda, which shall be kept continually  
25 current, shall be readily available for public inspection at the

1 principal office of the public body during normal business hours.  
2 Agenda items shall be sufficiently descriptive to give the public  
3 reasonable notice of the matters to be considered at the meeting.  
4 Except for items of an emergency nature, the agenda shall not  
5 be altered later than (a) twenty-four hours before the scheduled  
6 commencement of the meeting or (b) forty-eight hours before the  
7 scheduled commencement of a meeting of a city council or village  
8 board scheduled outside the corporate limits of the municipality.  
9 The public body shall have the right to modify the agenda to  
10 include items of an emergency nature only at such public meeting.

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

24 (a) Reasonable advance publicized notice is given;

25 (b) 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 or visual recording devices, and  
3 a reasonable opportunity for input such as public comment or  
4 questions to at least the same extent as would be provided if  
5 videoconferencing or telephone conferencing was not used;

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

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

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

15 Videoconferencing, telephone conferencing, or  
16 conferencing by other electronic communication shall not be used  
17 to circumvent any of the public government purposes established  
18 in the Open Meetings Act.

19 (3) A meeting of a board of an educational service  
20 unit, the governing body of an entity formed under the Interlocal  
21 Cooperation Act, the Joint Public Agency Act, or the Municipal  
22 Cooperative Financing Act, or of the governing body of a risk  
23 management pool or its advisory committees organized in accordance  
24 with the Intergovernmental Risk Management Act may be held by  
25 telephone conference call if:

1           (a) The territory represented by the educational service  
2 unit or member public agencies of the entity or pool covers more  
3 than one county;

4           (b) Reasonable advance publicized notice is given  
5 which identifies each telephone conference location at which an  
6 educational service unit board member or a member of the entity's  
7 or pool's governing body will be present;

8           (c) All telephone conference meeting sites identified in  
9 the notice are located within public buildings used by members of  
10 the educational service unit board or entity or pool or at a place  
11 which will accommodate the anticipated audience;

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

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

21           (f) At least one member of the educational service unit  
22 board or governing body of the entity or pool is present at each  
23 site of the telephone conference call identified in the public  
24 notice;

25           (g) The telephone conference call lasts no more than one

1 hour; and

2 (h) No more than one-half of the entity's or pool's  
3 meetings in a calendar year are held by telephone conference call.

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

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

16 (5) When it is necessary to hold an emergency meeting  
17 without reasonable advance public notice, the nature of the  
18 emergency shall be stated in the minutes and any formal action  
19 taken in such meeting shall pertain only to the emergency.  
20 Such emergency meetings may be held by means of electronic or  
21 telecommunication equipment. The provisions of subsection (4)  
22 of this section shall be complied with in conducting emergency  
23 meetings. Complete minutes of such emergency meetings specifying  
24 the nature of the emergency and any formal action taken at the  
25 meeting shall be made available to the public by no later than the

1 end of the next regular business day.

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

6           Sec. 3. Original sections 79-1218 and 84-1411, Reissue  
7 Revised Statutes of Nebraska, are repealed.