

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 639

Introduced by Karpisek, 32.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public meetings; to amend section
2 84-1411, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to telephone conferencing; and to
4 repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

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

3 84-1411 (1) Each public body shall give reasonable
4 advance publicized notice of the time and place of each meeting
5 by a method designated by each public body and recorded in its
6 minutes. Such notice shall be transmitted to all members of the
7 public body and to the public. Such notice shall contain an
8 agenda of subjects known at the time of the publicized notice
9 or a statement that the agenda, which shall be kept continually
10 current, shall be readily available for public inspection at the
11 principal office of the public body during normal business hours.
12 Agenda items shall be sufficiently descriptive to give the public
13 reasonable notice of the matters to be considered at the meeting.
14 Except for items of an emergency nature, the agenda shall not
15 be altered later than (a) twenty-four hours before the scheduled
16 commencement of the meeting or (b) forty-eight hours before the
17 scheduled commencement of a meeting of a city council or village
18 board scheduled outside the corporate limits of the municipality.
19 The public body shall have the right to modify the agenda to
20 include items of an emergency nature only at such public meeting.

21 (2) A meeting of a state agency, state board, state
22 commission, state council, or state committee, of an advisory
23 committee of any such state entity, of an organization created
24 under the Interlocal Cooperation Act, the Joint Public Agency Act,
25 or the Municipal Cooperative Financing Act, of the governing body

1 of a public power district having a chartered territory of more
2 than fifty counties in this state, or of the governing body of
3 a risk management pool or its advisory committees organized in
4 accordance with the Intergovernmental Risk Management Act may be
5 held by means of videoconferencing or, in the case of the Judicial
6 Resources Commission in those cases specified in section 24-1204,
7 by telephone conference, if:

8 (a) Reasonable advance publicized notice is given;

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

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

18 (d) At least one member of the state entity, advisory
19 committee, or governing body is present at each site of the
20 videoconference or telephone conference; and

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

24 Videoconferencing, telephone conferencing, or
25 conferencing by other electronic communication shall not be used

1 to circumvent any of the public government purposes established
2 in the Open Meetings Act.

3 (3) A meeting of the governing body of an entity formed
4 under the Interlocal Cooperation Act, the Joint Public Agency Act,
5 or the Municipal Cooperative Financing Act or of the governing body
6 of a risk management pool or its advisory committees organized in
7 accordance with the Intergovernmental Risk Management Act may be
8 held by telephone conference call if:

9 (a) The territory represented by the member public
10 agencies of the entity or pool covers more than one county;

11 (b) Reasonable advance publicized notice is given which
12 identifies each telephone conference location at which a member of
13 the entity's or pool's governing body will be present;

14 (c) All telephone conference meeting sites identified in
15 the notice are located within public buildings used by members
16 of the entity or pool or at a place which will accommodate the
17 anticipated audience;

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

24 (e) At least one copy of all documents being considered
25 is available to the public at each site of the telephone conference

1 call;

2 (f) At least one member of the governing body of the
3 entity or pool is present at each site of the telephone conference
4 call identified in the public notice;

5 (g) The telephone conference call lasts no more than one
6 hour; and

7 (h) No more than one-half of the entity's or pool's
8 meetings in a calendar year are held by telephone conference call,
9 except that a governing body of a risk management pool that meets
10 at least quarterly and the advisory committees of the governing
11 body may each hold more than half of their meetings by telephone
12 conference call if the governing body's quarterly meetings are not
13 held by telephone conference call or videoconferencing.

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

21 (4) The secretary or other designee of each public body
22 shall maintain a list of the news media requesting notification
23 of meetings and shall make reasonable efforts to provide advance
24 notification to them of the time and place of each meeting and the
25 subjects to be discussed at that meeting.

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

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

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