

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 735

Final Reading

Introduced by Schumacher, 22.

Read first time January 04, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public meetings; to amend section 84-1411,
2 Revised Statutes Cumulative Supplement, 2010; to provide
3 for meetings of a community college board of governors or
4 governing bodies of certain public power districts or
5 public power and irrigation districts to be held by
6 videoconferencing or telephone conference; and to repeal
7 the original section.

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

1 Section 1. Section 84-1411, Revised Statutes Cumulative
2 Supplement, 2010, 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 by a
5 method designated by each public body and recorded in its minutes.
6 Such notice shall be transmitted to all members of the public body
7 and to the public. Such notice shall contain an agenda of subjects
8 known at the time of the publicized notice or a statement that the
9 agenda, which shall be kept continually current, shall be readily
10 available for public inspection at the principal office of the public
11 body during normal business hours. Agenda items shall be sufficiently
12 descriptive to give the public reasonable notice of the matters to be
13 considered at the meeting. Except for items of an emergency nature,
14 the agenda shall not be altered later than (a) twenty-four hours
15 before the scheduled commencement of the meeting or (b) forty-eight
16 hours before the scheduled commencement of a meeting of a city
17 council or village board scheduled outside the corporate limits of
18 the municipality. The public body shall have the right to modify the
19 agenda to include items of an emergency nature only at such public
20 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 under
24 the Interlocal Cooperation Act, the Joint Public Agency Act, or the
25 Municipal Cooperative Financing Act, of the governing body of a

1 public power district having a chartered territory of more than fifty
2 ~~counties~~ one county in this state, of the governing body of a public
3 power and irrigation district having a chartered territory of more
4 than one county in this state, of a board of an educational service
5 unit, ~~or~~ of the governing body of a risk management pool or its
6 advisory committees organized in accordance with the
7 Intergovernmental Risk Management Act, or of a community college
8 board of governors may be held by means of videoconferencing or, in
9 the case of the Judicial Resources Commission in those cases
10 specified in section 24-1204, by telephone conference, if:

11 (a) Reasonable advance publicized notice is given;

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

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

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

24 (e) No more than one-half of the state entity's, advisory
25 committee's, board's, or governing body's meetings in a calendar year

1 are held by videoconference or telephone conference.

2 Videoconferencing, telephone conferencing, or
3 conferencing by other electronic communication shall not be used to
4 circumvent any of the public government purposes established in the
5 Open Meetings Act.

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

15 (a) The territory represented by the educational service
16 unit, community college board of governors, public power district,
17 public power and irrigation district, or member public agencies of
18 the entity or pool covers more than one county;

19 (b) Reasonable advance publicized notice is given which
20 identifies each telephone conference location at which an educational
21 service unit board member, a member of a community college board of
22 governors, a member of the governing body of a public power district,
23 a member of the governing body of a public power and irrigation
24 district, or a member of the entity's or pool's governing body will
25 be present;

1 (c) All telephone conference meeting sites identified in
2 the notice are located within public buildings used by members of the
3 educational service unit board, community college board of governors,
4 governing body of the public power district, governing body of the
5 public power and irrigation district, or entity or pool or at a place
6 which will accommodate the anticipated audience;

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

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

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

22 (g) The telephone conference call lasts no more than one
23 hour; and

24 (h) No more than one-half of the board's, governing
25 body's, entity's, or pool's meetings in a calendar year are held by

1 telephone conference call, except that a governing body of a risk
2 management pool that meets at least quarterly and the advisory
3 committees of the governing body may each hold more than one-half of
4 its meetings by telephone conference call if the governing body's
5 quarterly meetings are not held by telephone conference call or
6 videoconferencing.

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

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

18 (5) When it is necessary to hold an emergency meeting
19 without reasonable advance public notice, the nature of the emergency
20 shall be stated in the minutes and any formal action taken in such
21 meeting shall pertain only to the emergency. Such emergency meetings
22 may be held by means of electronic or telecommunication equipment.
23 The provisions of subsection (4) of this section shall be complied
24 with in conducting emergency meetings. Complete minutes of such
25 emergency meetings specifying the nature of the emergency and any

1 formal action taken at the meeting shall be made available to the
2 public by no later than the end of the next regular business day.

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

6 Sec. 2. Original section 84-1411, Revised Statutes
7 Cumulative Supplement, 2010, is repealed.