

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 510

Introduced by Scheer, 19.

Read first time January 23, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Open Meetings Act; to amend section
2 84-1411, Revised Statutes Cumulative Supplement, 2012; to
3 authorize the Educational Service Unit Coordinating
4 Council to hold videoconference and telephone conference
5 meetings; to change telephone conference call provisions;
6 and to repeal the original section.

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

1 Section 1. Section 84-1411, Revised Statutes Cumulative
2 Supplement, 2012, 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 one
2 county in this state, of the governing body of a public power and
3 irrigation district having a chartered territory of more than one
4 county in this state, of a board of an educational service unit, of
5 the Educational Service Unit Coordinating Council, of the governing
6 body of a risk management pool or its advisory committees organized
7 in accordance with the Intergovernmental Risk Management Act, or of a
8 community college board of governors may be held by means of
9 videoconferencing or, in the case of the Judicial Resources
10 Commission in those cases specified in section 24-1204, by telephone
11 conference, if:

12 (a) Reasonable advance publicized notice is given;

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

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

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

25 (e) No more than one-half of the state entity's, advisory

1 committee's, board's, or governing body's meetings in a calendar year
2 are held by videoconference or telephone conference.

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

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

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

21 (b) Reasonable advance publicized notice is given which
22 identifies each telephone conference location at which an educational
23 service unit board member, a member of a community college board of
24 governors, a member of the governing body of a public power district,
25 a member of the governing body of a public power and irrigation

1 district, or a member of the entity's or pool's governing body will
2 be present;

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

9 (d) 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 recording devices, and a reasonable
12 opportunity for input such as public comment or questions to at least
13 the same extent as would be provided if a telephone conference call
14 was not used;

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

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

24 (g) The telephone conference call lasts no more than ~~one~~
25 hour; two hours; and

1 (h) No more than one-half of the board's, governing
2 body's, entity's, or pool's meetings in a calendar year are held by
3 telephone conference call, except that a governing body of a risk
4 management pool that meets at least quarterly and the advisory
5 committees of the governing body may each hold more than one-half of
6 its meetings by telephone conference call if the governing body's
7 quarterly meetings are not held by telephone conference call or
8 videoconferencing.

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

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

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

1 with in conducting emergency meetings. Complete minutes of such
2 emergency meetings specifying the nature of the emergency and any
3 formal action taken at the meeting shall be made available to the
4 public by no later than the end of the next regular business day.

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

8 Sec. 2. Original section 84-1411, Revised Statutes
9 Cumulative Supplement, 2012, is repealed.