

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 521

Introduced by Christensen, 44.

Read first time January 23, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to government; to amend section 18-131, Reissue
2 Revised Statutes of Nebraska, and section 84-1411,
3 Revised Statutes Cumulative Supplement, 2012; to require
4 cities and villages to create and maintain web sites and
5 publish ordinances on web sites as prescribed; to require
6 public bodies to publish notices and agendas of meetings
7 on web sites as prescribed; and to repeal the original
8 sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-131, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-131 (1) Ordinances passed by cities of all classes and
4 villages ~~must~~shall be posted, published in a legal newspaper, or
5 published in book or pamphlet form, as required by their respective
6 charters or general laws.

7 (2) On and after January 1, 2014, any city of any class
8 and any village that maintains an official web site shall publish on
9 the web site all of its ordinances. New or amended ordinances shall
10 be published on the web site within seven days after passage.

11 Sec. 2. Section 84-1411, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 84-1411 (1) Each public body shall give reasonable
14 advance publicized notice of the time and place of each meeting by a
15 method designated by each public body and recorded in its minutes.
16 Such notice shall be transmitted to all members of the public body
17 and to the public. Such notice shall contain an agenda of subjects
18 known at the time of the publicized notice or a statement that the
19 agenda, which shall be kept continually current, shall be readily
20 available for public inspection at the principal office of the public
21 body during normal business hours. If the public body maintains an
22 official web site, the notice and agenda shall be published on the
23 web site. Agenda items shall be sufficiently descriptive to give the
24 public reasonable notice of the matters to be considered at the
25 meeting. Except for items of an emergency nature, the agenda shall

1 not be altered later than (a) twenty-four hours before the scheduled
2 commencement of the meeting or (b) forty-eight hours before the
3 scheduled commencement of a meeting of a city council or village
4 board scheduled outside the corporate limits of the municipality. The
5 public body shall have the right to modify the agenda to include
6 items of an emergency nature only at such public meeting.

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

22 (a) Reasonable advance publicized notice is given;

23 (b) Reasonable arrangements are made to accommodate the
24 public's right to attend, hear, and speak at the meeting, including
25 seating, recordation by audio or visual recording devices, and a

1 reasonable opportunity for input such as public comment or questions
2 to at least the same extent as would be provided if videoconferencing
3 or telephone conferencing was not used;

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

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

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

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

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

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

5 (b) Reasonable advance publicized notice is given which
6 identifies each telephone conference location at which an educational
7 service unit board member, a member of a community college board of
8 governors, a member of the governing body of a public power district,
9 a member of the governing body of a public power and irrigation
10 district, or a member of the entity's or pool's governing body will
11 be present;

12 (c) All telephone conference meeting sites identified in
13 the notice are located within public buildings used by members of the
14 educational service unit board, community college board of governors,
15 governing body of the public power district, governing body of the
16 public power and irrigation district, or entity or pool or at a place
17 which will accommodate the 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 at least
22 the same extent as would be provided if a telephone conference call
23 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 educational service unit
3 board, community college board of governors, governing body of the
4 public power district, governing body of the public power and
5 irrigation district, or governing body of the entity or pool is
6 present at each site of the telephone conference call identified in
7 the public notice;

8 (g) The telephone conference call lasts no more than one
9 hour; and

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

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

24 (4) The secretary or other designee of each public body
25 shall maintain a list of the news media requesting notification of

1 meetings and shall make reasonable efforts to provide advance
2 notification to them of the time and place of each meeting and the
3 subjects to be discussed at that meeting.

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

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

17 Sec. 3. Original section 18-131, Reissue Revised Statutes
18 of Nebraska, and section 84-1411, Revised Statutes Cumulative
19 Supplement, 2012, are repealed.