

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 318**

FINAL READING

Introduced by Hughes, 44.

Read first time January 12, 2017

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to public meetings; to amend section 84-1411,
- 2 Reissue Revised Statutes of Nebraska; to authorize telephone
- 3 conferencing for meetings of the Nebraska Brand Committee; to repeal
- 4 the original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

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

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

20 (2) A meeting of a state agency, state board, state commission,  
21 state council, or state committee, of an advisory committee of any such  
22 state entity, of an organization created under the Interlocal Cooperation  
23 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing  
24 Act, of the governing body of a public power district having a chartered  
25 territory of more than one county in this state, of the governing body of  
26 a public power and irrigation district having a chartered territory of  
27 more than one county in this state, of a board of an educational service  
28 unit, of the Educational Service Unit Coordinating Council, of the  
29 governing body of a risk management pool or its advisory committees  
30 organized in accordance with the Intergovernmental Risk Management Act,  
31 or of a community college board of governors may be held by means of

1 videoconferencing or, in the case of the Judicial Resources Commission in  
2 those cases specified in section 24-1204, by telephone conference, if:

3 (a) Reasonable advance publicized notice is given;

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

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

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

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

19 Videoconferencing, telephone conferencing, or conferencing by other  
20 electronic communication shall not be used to circumvent any of the  
21 public government purposes established in the Open Meetings Act.

22 (3) A meeting of a board of an educational service unit, of the  
23 Educational Service Unit Coordinating Council, of the governing body of  
24 an entity formed under the Interlocal Cooperation Act, the Joint Public  
25 Agency Act, or the Municipal Cooperative Financing Act, of the governing  
26 body of a risk management pool or its advisory committees organized in  
27 accordance with the Intergovernmental Risk Management Act, of a community  
28 college board of governors, of the governing body of a public power  
29 district, ~~or~~ of the governing body of a public power and irrigation  
30 district, or of the Nebraska Brand Committee may be held by telephone  
31 conference call if:

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

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

13 (c) All telephone conference meeting sites identified in the notice  
14 are located within public buildings used by members of the educational  
15 service unit board, council, community college board of governors,  
16 governing body of the public power district, governing body of the public  
17 power and irrigation district, Nebraska Brand Committee, or entity or  
18 pool or at a place which will accommodate the anticipated audience;

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

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

26 (f) At least one member of the educational service unit board,  
27 council, community college board of governors, governing body of the  
28 public power district, governing body of the public power and irrigation  
29 district, Nebraska Brand Committee, or governing body of the entity or  
30 pool is present at each site of the telephone conference call identified  
31 in the public notice;

1 (g) The telephone conference call lasts no more than two hours; and

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

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

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

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

30 (6) A public body may allow a member of the public or any other  
31 witness other than a member of the public body to appear before the

1 public body by means of video or telecommunications equipment.

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

4       Sec. 3. Since an emergency exists, this act takes effect when  
5 passed and approved according to law.