

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 127

Introduced by Groene, 42.

Read first time January 06, 2017

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Open Meetings Act; to amend section
- 2 84-1411, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to notice of meetings of public bodies; and to repeal the
- 4 original section.
- 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 be published in a newspaper of general circulation in
8 each county within the public body's jurisdiction and may also be
9 provided by any other appropriate method designated by the public body.
10 The public body shall record the methods and dates of such notice in its
11 minutes. Such notice shall contain an agenda of subjects known at the
12 time of the publicized notice or a statement that the agenda, which shall
13 be kept continually current, shall be readily available for public
14 inspection at the principal office of the public body during normal
15 business hours. Agenda items shall be sufficiently descriptive to give
16 the public reasonable notice of the matters to be considered at the
17 meeting. Except for items of an emergency nature, the agenda shall not be
18 altered later than (a) twenty-four hours before the scheduled
19 commencement of the meeting or (b) forty-eight hours before the scheduled
20 commencement of a meeting of a city council or village board scheduled
21 outside the corporate limits of the municipality. The public body shall
22 have the right to modify the agenda to include items of an emergency
23 nature only at such public meeting.

24 (2) A meeting of a state agency, state board, state commission,
25 state council, or state committee, of an advisory committee of any such
26 state entity, of an organization created under the Interlocal Cooperation
27 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
28 Act, of the governing body of a public power district having a chartered
29 territory of more than one county in this state, of the governing body of
30 a public power and irrigation district having a chartered territory of
31 more than one county in this state, of a board of an educational service

1 unit, of the Educational Service Unit Coordinating Council, of the
2 governing body of a risk management pool or its advisory committees
3 organized in accordance with the Intergovernmental Risk Management Act,
4 or of a community college board of governors may be held by means of
5 videoconferencing or, in the case of the Judicial Resources Commission in
6 those cases specified in section 24-1204, by telephone conference, if:

7 (a) Reasonable advance publicized notice is given as provided in
8 subsection (1) of this section;

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

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

18 (d) At least one member of the state entity, advisory committee,
19 board, council, 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, board's, council's, or governing body's meetings in a
23 calendar year are held by videoconference or telephone conference.

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

27 (3) A meeting of a board of an educational service unit, of the
28 Educational Service Unit Coordinating Council, of the governing body of
29 an entity formed under the Interlocal Cooperation Act, the Joint Public
30 Agency Act, or the Municipal Cooperative Financing Act, of the governing
31 body of a risk management pool or its advisory committees organized in

1 accordance with the Intergovernmental Risk Management Act, of a community
2 college board of governors, of the governing body of a public power
3 district, or of the governing body of a public power and irrigation
4 district may be held by telephone conference call if:

5 (a) The territory represented by the educational service unit,
6 member educational service units, community college board of governors,
7 public power district, public power and irrigation district, or member
8 public agencies of the entity or pool covers more than one county;

9 (b) Reasonable advance publicized notice is given as provided in
10 subsection (1) of this section which identifies each telephone conference
11 location at which an educational service unit board member, a council
12 member, a member of a community college board of governors, a member of
13 the governing body of a public power district, a member of the governing
14 body of a public power and irrigation district, or a member of the
15 entity's or pool's governing body will be present;

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

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

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

29 (f) At least one member of the educational service unit board,
30 council, community college board of governors, governing body of the
31 public power district, governing body of the public power and irrigation

1 district, or governing body of the entity or pool is present at each site
2 of the telephone conference call identified in the public notice;

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

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

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

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

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

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

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