A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 79-554, 79-560, 79-561, and 84-1411, Reissue Revised Statutes of Nebraska; to authorize board meetings of school districts to be held by means of videoconferencing; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 79-554, Reissue Revised Statutes of Nebraska, is amended to read:

79-554 In all meetings of a school board of a Class I, II, III, or VI school district, a majority of the members shall constitute a quorum for the transaction of business. Regular meetings shall be held on or before the third Monday of every month. All meetings of the board shall be subject to the Open Meetings Act, and such meetings may be held by means of videoconferencing or telephone conference call in accordance with subsections (2) and (3) of section 84-1411. Special meetings may be called by the president or any two members, but all members shall have notice of the time and place of meeting. If a school district is participating in an approved unified system as provided in section 79-4,108, regular meetings of such district's school board shall be held at least twice during the school year.

Sec. 2. Section 79-560, Reissue Revised Statutes of Nebraska, is amended to read:

79-560 The board of education of a Class IV school district shall hold one or more regular meetings each month, the time of which shall be fixed by the bylaws adopted by such board. Special meetings may be held as circumstances may demand. All meetings of the board shall be subject to the Open Meetings Act, and such meetings may be held by means of videoconferencing or telephone conference call in accordance with subsections (2) and (3) of section 84-1411.

Sec. 3. Section 79-561, Reissue Revised Statutes of Nebraska, is amended to read:

79-561 The regular meetings of the board of education of a Class V school district shall be held one or more times each month. Special meetings may be held as circumstances may demand at the call of the president of the board or on petition of a majority of the members of the board. All meetings of the board shall be subject to the Open Meetings Act, and such meetings may be held by means of videoconferencing or
telephone conference call in accordance with subsections (2) and (3) of section 84-1411.

Sec. 4. Section 84-1411, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a school board of a Class I, II, III, IV, V, or VI school district, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the
governing body of a risk management pool or its advisory committees
organized in accordance with the Intergovernmental Risk Management Act,
or of a community college board of governors may be held by means of
videoconferencing or, in the case of the Judicial Resources Commission in
those cases specified in section 24-1204, by telephone conference, if:
(a) Reasonable advance publicized notice is given;
(b) Reasonable arrangements are made to accommodate the public's
right to attend, hear, and speak at the meeting, including seating,
recordation by audio or visual recording devices, and a reasonable
opportunity for input such as public comment or questions to at least the
same extent as would be provided if videoconferencing or telephone
conferencing was not used;
(c) At least one copy of all documents being considered is available
to the public at each site of the videoconference or telephone
conference;
(d) At least one member of the state entity, advisory committee,
board, council, or governing body is present at each site of the
videoconference or telephone conference; and
(e) No more than one-half of the state entity's, advisory
committee's, board's, council's, or governing body's meetings in a
calendar year are held by videoconference or telephone conference.
Videoconferencing, telephone conferencing, or conferencing by other
electronic communication shall not be used to circumvent any of the
public government purposes established in the Open Meetings Act.
(3) A meeting of a school board of a Class I, II, III, IV, V, or VI
school district, of a board of an educational service unit, of the
Educational Service Unit Coordinating Council, of the governing body of
an entity formed under the Interlocal Cooperation Act, the Joint Public
Agency Act, or the Municipal Cooperative Financing Act, of the governing
body of a risk management pool or its advisory committees organized in
accordance with the Intergovernmental Risk Management Act, of a community
college board of governors, of the governing body of a public power
district, or of the governing body of a public power and irrigation
district may be held by telephone conference call if:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. Original sections 79-554, 79-560, 79-561, and 84-1411, Reissue Revised Statutes of Nebraska, are repealed.