

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 212

Introduced by Government, Military and Veterans Affairs Committee:
Brewer, 43, Chairperson; Blood, 3; Hansen, M., 26; La
Grone, 49; Lowe, 37.

Read first time January 11, 2019

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Open Meetings Act; to amend section
- 2 84-1411, Revised Statutes Cumulative Supplement, 2018; to change
- 3 provisions relating to videoconferences and telephone conferencing;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1411, Revised Statutes Cumulative Supplement,
2 2018, is 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, except that a member of an
16 organization created under the Interlocal Cooperation Act that sells
17 electricity or natural gas at wholesale on a multistate basis, an
18 organization created under the Municipal Cooperative Financing Act, or a
19 governing body of a risk management pool or an advisory committee of such
20 organization or pool may designate a nonvoting designee, who shall not be
21 included as part of the quorum, to be present at any site; and

22 (e)(i) Except as provided in subdivision (2)(e)(ii) of this section,
23 no (e) No more than one-half of the state entity's, advisory committee's,
24 board's, council's, or governing body's meetings in a calendar year are
25 held by videoconference or telephone conference; or -

26 (ii) In the case of an organization created under the Interlocal
27 Cooperation Act that sells electricity or natural gas at wholesale on a
28 multistate basis or an organization created under the Municipal
29 Cooperative Financing Act, such organization holds at least one meeting
30 each calendar year that is not by videoconferencing or telephone
31 conferencing.

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

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

14 (a) The territory represented by the educational service unit,
15 member educational service units, community college board of governors,
16 public power district, public power and irrigation district, Nebraska
17 Brand Committee, or member public agencies of the entity or pool covers
18 more than one county;

19 (b) Reasonable advance publicized notice is given which identifies
20 each telephone conference location at which there will be present: (i) A
21 member of the ~~an~~ educational service unit board-member, a council-member,
22 ~~a member of a~~ community college board of governors, ~~a member of the~~
23 governing body of a public power district, ~~a member of the~~ governing body
24 of a public power and irrigation district, ~~a member of the~~ Nebraska Brand
25 Committee, or ~~a member of the~~ entity's or pool's governing body; or will
26 be present (ii) A nonvoting designee designated under subdivision (3)(f)
27 of this section;

28 (c) All telephone conference meeting sites identified in the notice
29 are located within public buildings used by members of the educational
30 service unit board, council, community college board of governors,
31 governing body of the public power district, governing body of the public

1 power and irrigation district, Nebraska Brand Committee, or entity or
2 pool or at a place which will accommodate the anticipated audience;

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

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

10 (f) At least one member of the educational service unit board,
11 council, community college board of governors, governing body of the
12 public power district, governing body of the public power and irrigation
13 district, Nebraska Brand Committee, or governing body of the entity or
14 pool is present at each site of the telephone conference call identified
15 in the public notice, except that a member of an organization created
16 under the Interlocal Cooperation Act that sells electricity or natural
17 gas at wholesale on a multistate basis, an organization created under the
18 Municipal Cooperative Financing Act, or a governing body of a risk
19 management pool or an advisory committee of such organization or pool may
20 designate a nonvoting designee, who shall not be included as part of the
21 quorum, to be present at any site;

22 (g) The telephone conference call lasts no more than five ~~two~~ hours;
23 and

24 (h) No more than one-half of the board's, council's, governing
25 body's, committee's, entity's, or pool's meetings in a calendar year are
26 held by telephone conference call, except that: a

27 (i) The governing body of a risk management pool that meets at least
28 quarterly and the advisory committees of the governing body may each hold
29 more than one-half of its meetings by telephone conference call if the
30 governing body's quarterly meetings are not held by telephone conference
31 call or videoconferencing; and -

1 (ii) An organization created under the Interlocal Cooperation Act
2 that sells electricity or natural gas at wholesale on a multistate basis
3 or an organization created under the Municipal Cooperative Financing Act
4 may hold more than one-half of its meetings by telephone conference call
5 if the organization holds at least one meeting each calendar year that is
6 not by videoconferencing or telephone conference call.

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

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

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

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

31 Sec. 2. Original section 84-1411, Revised Statutes Cumulative

1 Supplement, 2018, is repealed.