

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 133

Introduced by Cavanaugh, J., 9.

Read first time January 06, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Open Meetings Act; to amend section
- 2 84-1409, Revised Statutes Cumulative Supplement, 2022; to redefine a
- 3 term; to provide that entities exercising the power of eminent
- 4 domain are public bodies subject to the Open Meetings Act; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1409, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 84-1409 For purposes of the Open Meetings Act, unless the context
4 otherwise requires:

5 (1)(a) Public body means (i) governing bodies of all political
6 subdivisions of the State of Nebraska, (ii) governing bodies of all
7 agencies, created by the Constitution of Nebraska, statute, or otherwise
8 pursuant to law, of the executive department of the State of Nebraska,
9 (iii) all independent boards, commissions, bureaus, committees, councils,
10 subunits, or any other bodies created by the Constitution of Nebraska,
11 statute, or otherwise pursuant to law, (iv) all study or advisory
12 committees of the executive department of the State of Nebraska whether
13 having continuing existence or appointed as special committees with
14 limited existence, (v) advisory committees of the bodies referred to in
15 subdivisions (i), (ii), and (iii) of this subdivision, ~~and~~ (vi)
16 instrumentalities exercising essentially public functions, and (vii)
17 entities, whether private, public, or quasi-governmental, which may by
18 law exercise the power of eminent domain; and

19 (b) Public body does not include (i) subcommittees of such bodies
20 unless a quorum of the public body attends a subcommittee meeting or
21 unless such subcommittees are holding hearings, making policy, or taking
22 formal action on behalf of their parent body, except that all meetings of
23 any subcommittee established under section 81-15,175 are subject to the
24 Open Meetings Act, (ii) entities conducting judicial proceedings unless a
25 court or other judicial body is exercising rulemaking authority,
26 deliberating, or deciding upon the issuance of administrative orders, and
27 (iii) the Judicial Resources Commission or subcommittees or subgroups of
28 the commission;

29 (2) Meeting means all regular, special, or called meetings, formal
30 or informal, of any public body for the purposes of briefing, discussion
31 of public business, formation of tentative policy, or the taking of any

1 action of the public body; and

2 (3) Virtual conferencing means conducting or participating in a
3 meeting electronically or telephonically with interaction among the
4 participants subject to subsection (2) of section 84-1412.

5 Sec. 2. Original section 84-1409, Revised Statutes Cumulative
6 Supplement, 2022, is repealed.