

reinstates the phrase to a more appropriate place in the statute which requires publicized notice. Since the committee amendments become LB 628, I'd like to explain the purpose of LB 628 at this time. LB 628 provides a definition in statute of what constitutes reasonable advanced publicized notice for public bodies under the open meetings law. At present a public body must provide reasonable notice, by a method designated by each public body. LB 628 leaves the current law intact, but provides an optional definition of reasonable notice to mean publication at least three days prior to the meeting in a legal newspaper in the county where the principle office is located; or, if there is no such paper, in any legal newspaper widely circulated in the county. Many of you have received letters from your city councils indicating that LB 628 would cost them a great deal of money, because they do not, nor do they ever want to publish meeting notices. These letters address the green copy of the bill, which the committee amendments rewrite entirely. The lobbyist for the League of Municipalities, Lynn Rex, assisted in the drafting of committee amendments to eliminate concerns of small towns across Nebraska. The small public bodies can continue to post notices in the city hall and county courthouse bulletin boards under the committee amendment. However, that type of notice may not pass judicial muster if the public body is challenged. The issue of what constitutes reasonable advance public notice has indeed been challenged in the courts. LB 628 is necessary because of a federal district judge ruled, in December of 1988, that notice published in a legal newspaper was not reasonable advance public notice. Unfortunately the judge did not define what was reasonable. Reasonable has not been adequately interpreted in case law. LB 628 is necessary to make a legislative statement that notice published in a legal newspaper, three days in advance of the meeting, is reasonable. In the absence of legislative guidance the court can set the standard. If the court rules that reasonable notice was not provided, even if the noncompliance is unintentional, whatever action was taken by the public body can be declared void. Given such a severe sanction there should be no room for uncertainty regarding the meaning of the statutory notice requirement. LB 628 will remove the uncertainty which currently exists for all agenda items at all public meetings at all levels of state government. Gee, it got quiet all of a sudden. I ask your support of the committee amendment and of the bill itself.

SPEAKER BARRETT: Thank you, Senator Robak. Discussion on the