

public meeting are valid and will not be void because of the unintentional failure to give reasonable advance public notice. LB 628 does not change the operative provision of the public meetings law in any respect. Senator Wesely, I will repeat that one more time. LB 628 does not change the operative provision of the public meetings law in any respect.

SPEAKER BARRETT: One minute.

SENATOR ROBAK: In fact, it will provide assurance to public bodies that choose to provide notice in compliance with this bill they are, in fact, complying with the law. I ask for your support of LB 628. Thank you.

SPEAKER BARRETT: Senator Chambers, would you care to discuss the motion?

SENATOR CHAMBERS: Yes, Mr. Chairman and members of the Legislature, I support the kill motion and I have discussed the problems I find with the bill with Senator Schmit and with the representative of NPPD out in the lobby. This bill was brought for NPPD despite what Senator Robak says. It had to be framed to deal with all public bodies because NPPD comes under the public meetings law. But here is the situation, NPPD has customers in 87 counties. They want the bill to be passed so that it says they need publish notice only in the Columbus newspaper. This Nucor is located in Norfolk which is less than 50 miles from Columbus, but the Columbus Telegram does not go there, so here is what the federal judge said. So even if you put this language in the bill, you are flying in the face of what the judge said. The court finds that under either a due process test or the Nebraska statute, NPPD did not provide reasonable notice in this case. So what NPPD is asking you to do is to change the open meetings law to conform to what NPPD is doing now, which is publishing notices of these meetings for rate changes only in the Columbus Telegram. The judge has said that under a due process analysis that is not valid. It is not notice that is required by due process and the judge goes further. On page 10 of his opinion, his memorandum, he says, "Reasonable notice is not defined in the statute nor has it been adequately interpreted in case law, but see Pokorny v. City of Schuyler, 202 Neb. 334, 1979, the posting of a notice in three public places at 10:00 p.m. on the date preceding a hearing is not reasonable advance public notice as required by Section 84-8411." Now get this, in another context, the