

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1167

Introduced by Albrecht, 17.

Read first time January 23, 2020

Committee:

- 1 A BILL FOR AN ACT relating to the Open Meetings Act; to amend section
- 2 84-1412, Reissue Revised Statutes of Nebraska; to require a public
- 3 body to allow members of the public an opportunity to speak at each
- 4 meeting; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1412, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 84-1412 (1) Subject to the Open Meetings Act, the public has the
4 right to attend and the right to speak at meetings of public bodies, and
5 all or any part of a meeting of a public body, except for closed sessions
6 called pursuant to section 84-1410, may be videotaped, televised,
7 photographed, broadcast, or recorded by any person in attendance by means
8 of a tape recorder, camera, video equipment, or any other means of
9 pictorial or sonic reproduction or in writing. A public body shall allow
10 members of the public an opportunity to speak at each meeting.

11 (2) It shall not be a violation of subsection (1) of this section
12 for any public body to make and enforce reasonable rules and regulations
13 regarding the conduct of persons attending, speaking at, videotaping,
14 televising, photographing, broadcasting, or recording its meetings.—A
15 ~~body may not be required to allow citizens to speak at each meeting, but~~
16 ~~it may not forbid public participation at all meetings.~~

17 (3) No public body shall require members of the public to identify
18 themselves as a condition for admission to the meeting nor shall such
19 body require that the name of any member of the public be placed on the
20 agenda prior to such meeting in order to speak about items on the agenda.
21 The body may require any member of the public desiring to address the
22 body to identify himself or herself.

23 (4) No public body shall, for the purpose of circumventing the Open
24 Meetings Act, hold a meeting in a place known by the body to be too small
25 to accommodate the anticipated audience.

26 (5) No public body shall be deemed in violation of this section if
27 it holds its meeting in its traditional meeting place which is located in
28 this state.

29 (6) No public body shall be deemed in violation of this section if
30 it holds a meeting outside of this state if, but only if:

31 (a) A member entity of the public body is located outside of this

1 state and the meeting is in that member's jurisdiction;

2 (b) All out-of-state locations identified in the notice are located
3 within public buildings used by members of the entity or at a place which
4 will accommodate the anticipated audience;

5 (c) Reasonable arrangements are made to accommodate the public's
6 right to attend, hear, and speak at the meeting, including making a
7 telephone conference call available at an instate location to members,
8 the public, or the press, if requested twenty-four hours in advance;

9 (d) No more than twenty-five percent of the public body's meetings
10 in a calendar year are held out-of-state;

11 (e) Out-of-state meetings are not used to circumvent any of the
12 public government purposes established in the Open Meetings Act;

13 (f) Reasonable arrangements are made to provide viewing at other
14 instate locations for a videoconference meeting if requested fourteen
15 days in advance and if economically and reasonably available in the area;
16 and

17 (g) The public body publishes notice of the out-of-state meeting at
18 least twenty-one days before the date of the meeting in a legal newspaper
19 of statewide circulation.

20 (7) The public body shall, upon request, make a reasonable effort to
21 accommodate the public's right to hear the discussion and testimony
22 presented at the meeting.

23 (8) Public bodies shall make available at the meeting or the instate
24 location for a telephone conference call or videoconference, for
25 examination and copying by members of the public, at least one copy of
26 all reproducible written material to be discussed at an open meeting.
27 Public bodies shall make available at least one current copy of the Open
28 Meetings Act posted in the meeting room at a location accessible to
29 members of the public. At the beginning of the meeting, the public shall
30 be informed about the location of the posted information.

31 Sec. 2. Original section 84-1412, Reissue Revised Statutes of

1 Nebraska, is repealed.