

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 150

Introduced by Lathrop, 12.

Read first time January 07, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public meetings; to amend section 84-1411,
2 Revised Statutes Cumulative Supplement, 2010; to require
3 Internet notice of public meetings by state agencies,
4 state boards, state commissions, state councils, and
5 state committees; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1411, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 84-1411 (1) Each public body shall give reasonable
4 advance publicized notice of the time and place of each meeting by a
5 method designated by each public body and recorded in its minutes.
6 Such notice shall be transmitted to all members of the public body
7 and to the public. A state agency, state board, state commission,
8 state council, or state committee shall also provide such notice on
9 the official Nebraska government web site. Such notice shall contain
10 an agenda of subjects known at the time of the publicized notice or a
11 statement that the agenda, which shall be kept continually current,
12 shall be readily available for public inspection at the principal
13 office of the public body during normal business hours. Agenda items
14 shall be sufficiently descriptive to give the public reasonable
15 notice of the matters to be considered at the meeting. Except for
16 items of an emergency nature, the agenda shall not be altered later
17 than (a) twenty-four hours before the scheduled commencement of the
18 meeting or (b) forty-eight hours before the scheduled commencement of
19 a meeting of a city council or village board scheduled outside the
20 corporate limits of the municipality. The public body shall have the
21 right to modify the agenda to include items of an emergency nature
22 only at such public meeting.

23 (2) A meeting of a state agency, state board, state
24 commission, state council, or state committee, of an advisory
25 committee of any such state entity, of an organization created under

1 the Interlocal Cooperation Act, the Joint Public Agency Act, or the
2 Municipal Cooperative Financing Act, of the governing body of a
3 public power district having a chartered territory of more than fifty
4 counties in this state, of a board of an educational service unit, or
5 of the governing body of a risk management pool or its advisory
6 committees organized in accordance with the Intergovernmental Risk
7 Management Act may be held by means of videoconferencing or, in the
8 case of the Judicial Resources Commission in those cases specified in
9 section 24-1204, by telephone conference, if:

10 (a) Reasonable advance publicized notice is given;

11 (b) Reasonable arrangements are made to accommodate the
12 public's right to attend, hear, and speak at the meeting, including
13 seating, recordation by audio or visual recording devices, and a
14 reasonable opportunity for input such as public comment or questions
15 to at least the same extent as would be provided if videoconferencing
16 or telephone conferencing was not used;

17 (c) At least one copy of all documents being considered
18 is available to the public at each site of the videoconference or
19 telephone conference;

20 (d) At least one member of the state entity, advisory
21 committee, board, or governing body is present at each site of the
22 videoconference or telephone conference; and

23 (e) No more than one-half of the state entity's, advisory
24 committee's, board's, or governing body's meetings in a calendar year
25 are held by videoconference or telephone conference.

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

5 (3) A meeting of a board of an educational service unit,
6 of the governing body of an entity formed under the Interlocal
7 Cooperation Act, the Joint Public Agency Act, or the Municipal
8 Cooperative Financing Act, or of the governing body of a risk
9 management pool or its advisory committees organized in accordance
10 with the Intergovernmental Risk Management Act may be held by
11 telephone conference call if:

12 (a) The territory represented by the educational service
13 unit or member public agencies of the entity or pool covers more than
14 one county;

15 (b) Reasonable advance publicized notice is given which
16 identifies each telephone conference location at which an educational
17 service unit board member or a member of the entity's or pool's
18 governing body will be present;

19 (c) All telephone conference meeting sites identified in
20 the notice are located within public buildings used by members of the
21 educational service unit board or entity or pool or at a place which
22 will accommodate the anticipated audience;

23 (d) Reasonable arrangements are made to accommodate the
24 public's right to attend, hear, and speak at the meeting, including
25 seating, recordation by audio recording devices, and a reasonable

1 opportunity for input such as public comment or questions to at least
2 the same extent as would be provided if a telephone conference call
3 was not used;

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

7 (f) At least one member of the educational service unit
8 board or governing body of the entity or pool is present at each site
9 of the telephone conference call identified in the public notice;

10 (g) The telephone conference call lasts no more than one
11 hour; and

12 (h) No more than one-half of the board's, entity's, or
13 pool's meetings in a calendar year are held by telephone conference
14 call, except that a governing body of a risk management pool that
15 meets at least quarterly and the advisory committees of the governing
16 body may each hold more than one-half of its meetings by telephone
17 conference call if the governing body's quarterly meetings are not
18 held by telephone conference call or videoconferencing.

19 Nothing in this subsection shall prevent the
20 participation of consultants, members of the press, and other
21 nonmembers of the governing body at sites not identified in the
22 public notice. Telephone conference calls, emails, faxes, or other
23 electronic communication shall not be used to circumvent any of the
24 public government purposes established in the Open Meetings Act.

25 (4) The secretary or other designee of each public body

1 shall maintain a list of the news media requesting notification of
2 meetings and shall make reasonable efforts to provide advance
3 notification to them of the time and place of each meeting and the
4 subjects to be discussed at that meeting.

5 (5) When it is necessary to hold an emergency meeting
6 without reasonable advance public notice, the nature of the emergency
7 shall be stated in the minutes and any formal action taken in such
8 meeting shall pertain only to the emergency. Such emergency meetings
9 may be held by means of electronic or telecommunication equipment.
10 The provisions of subsection (4) of this section shall be complied
11 with in conducting emergency meetings. Complete minutes of such
12 emergency meetings specifying the nature of the emergency and any
13 formal action taken at the meeting shall be made available to the
14 public by no later than the end of the next regular business day.

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

18 Sec. 2. Original section 84-1411, Revised Statutes
19 Cumulative Supplement, 2010, is repealed.