

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 240

Introduced by Baker, 30.

Read first time January 11, 2017

Committee:

- 1 A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections
- 2 79-554, 79-560, 79-561, and 84-1411, Reissue Revised Statutes of
- 3 Nebraska; to authorize board meetings of school districts to be held
- 4 by means of videoconferencing; to harmonize provisions; and to
- 5 repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-554, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-554 In all meetings of a school board of a Class I, II, III, or
4 VI school district, a majority of the members shall constitute a quorum
5 for the transaction of business. Regular meetings shall be held on or
6 before the third Monday of every month. All meetings of the board shall
7 be subject to the Open Meetings Act, and such meetings may be held by
8 means of videoconferencing or telephone conference call in accordance
9 with subsections (2) and (3) of section 84-1411. Special meetings may be
10 called by the president or any two members, but all members shall have
11 notice of the time and place of meeting. If a school district is
12 participating in an approved unified system as provided in section
13 79-4,108, regular meetings of such district's school board shall be held
14 at least twice during the school year.

15 Sec. 2. Section 79-560, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-560 The board of education of a Class IV school district shall
18 hold one or more regular meetings each month, the time of which shall be
19 fixed by the bylaws adopted by such board. Special meetings may be held
20 as circumstances may demand. All meetings of the board shall be subject
21 to the Open Meetings Act, and such meetings may be held by means of
22 videoconferencing or telephone conference call in accordance with
23 subsections (2) and (3) of section 84-1411.

24 Sec. 3. Section 79-561, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-561 The regular meetings of the board of education of a Class V
27 school district shall be held one or more times each month. Special
28 meetings may be held as circumstances may demand at the call of the
29 president of the board or on petition of a majority of the members of the
30 board. All meetings of the board shall be subject to the Open Meetings
31 Act, and such meetings may be held by means of videoconferencing or

1 telephone conference call in accordance with subsections (2) and (3) of
2 section 84-1411.

3 Sec. 4. Section 84-1411, Reissue Revised Statutes of Nebraska, is
4 amended to read:

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

22 (2) A meeting of a state agency, state board, state commission,
23 state council, or state committee, of an advisory committee of any such
24 state entity, of an organization created under the Interlocal Cooperation
25 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
26 Act, of the governing body of a public power district having a chartered
27 territory of more than one county in this state, of the governing body of
28 a public power and irrigation district having a chartered territory of
29 more than one county in this state, of a school board of a Class I, II,
30 III, IV, V, or VI school district, of a board of an educational service
31 unit, of the Educational Service Unit Coordinating Council, of the

1 governing body of a risk management pool or its advisory committees
2 organized in accordance with the Intergovernmental Risk Management Act,
3 or of a community college board of governors may be held by means of
4 videoconferencing or, in the case of the Judicial Resources Commission in
5 those cases specified in section 24-1204, by telephone conference, if:

6 (a) Reasonable advance publicized notice is given;

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

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

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

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

22 Videoconferencing, telephone conferencing, or conferencing by other
23 electronic communication shall not be used to circumvent any of the
24 public government purposes established in the Open Meetings Act.

25 (3) A meeting of a school board of a Class I, II, III, IV, V, or VI
26 school district, of a board of an educational service unit, of the
27 Educational Service Unit Coordinating Council, of the governing body of
28 an entity formed under the Interlocal Cooperation Act, the Joint Public
29 Agency Act, or the Municipal Cooperative Financing Act, of the governing
30 body of a risk management pool or its advisory committees organized in
31 accordance with the Intergovernmental Risk Management Act, of a community

1 college board of governors, of the governing body of a public power
2 district, or of the governing body of a public power and irrigation
3 district may be held by telephone conference call if:

4 (a) The territory represented by the school district, educational
5 service unit, member educational service units, community college board
6 of governors, public power district, public power and irrigation
7 district, or member public agencies of the entity or pool covers more
8 than one county;

9 (b) Reasonable advance publicized notice is given which identifies
10 each telephone conference location at which a school board member, an
11 educational service unit board member, a council member, a member of a
12 community college board of governors, a member of the governing body of a
13 public power district, a member of the governing body of a public power
14 and irrigation district, or a member of the entity's or pool's governing
15 body will be present;

16 (c) All telephone conference meeting sites identified in the notice
17 are located within public buildings used by members of the school board,
18 educational service unit board, council, community college board of
19 governors, governing body of the public power district, governing body of
20 the public power and irrigation district, or entity or pool or at a place
21 which will accommodate the anticipated audience;

22 (d) Reasonable arrangements are made to accommodate the public's
23 right to attend, hear, and speak at the meeting, including seating,
24 recordation by audio recording devices, and a reasonable opportunity for
25 input such as public comment or questions to at least the same extent as
26 would be provided if a telephone conference call was not used;

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

29 (f) At least one member of the school board, educational service
30 unit board, council, community college board of governors, governing body
31 of the public power district, governing body of the public power and

1 irrigation district, or governing body of the entity or pool is present
2 at each site of the telephone conference call identified in the public
3 notice;

4 (g) The telephone conference call lasts no more than two hours; and

5 (h) No more than one-half of the board's, council's, governing
6 body's, entity's, or pool's meetings in a calendar year are held by
7 telephone conference call, except that a governing body of a risk
8 management pool that meets at least quarterly and the advisory committees
9 of the governing body may each hold more than one-half of its meetings by
10 telephone conference call if the governing body's quarterly meetings are
11 not held by telephone conference call or videoconferencing.

12 Nothing in this subsection shall prevent the participation of
13 consultants, members of the press, and other nonmembers of the governing
14 body at sites not identified in the public notice. Telephone conference
15 calls, emails, faxes, or other electronic communication shall not be used
16 to circumvent any of the public government purposes established in the
17 Open Meetings Act.

18 (4) The secretary or other designee of each public body shall
19 maintain a list of the news media requesting notification of meetings and
20 shall make reasonable efforts to provide advance notification to them of
21 the time and place of each meeting and the subjects to be discussed at
22 that meeting.

23 (5) When it is necessary to hold an emergency meeting without
24 reasonable advance public notice, the nature of the emergency shall be
25 stated in the minutes and any formal action taken in such meeting shall
26 pertain only to the emergency. Such emergency meetings may be held by
27 means of electronic or telecommunication equipment. The provisions of
28 subsection (4) of this section shall be complied with in conducting
29 emergency meetings. Complete minutes of such emergency meetings
30 specifying the nature of the emergency and any formal action taken at the
31 meeting shall be made available to the public by no later than the end of

1 the next regular business day.

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

5 Sec. 5. Original sections 79-554, 79-560, 79-561, and 84-1411,
6 Reissue Revised Statutes of Nebraska, are repealed.