

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 637**

Introduced by Albrecht, 17.

Read first time January 18, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Open Meetings Act; to amend section
- 2 84-1412, Revised Statutes Cumulative Supplement, 2022; to require a
- 3 public body to allow members of the public an opportunity to speak
- 4 at each 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, Revised Statutes Cumulative Supplement,  
2 2022, is 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, a camera, video equipment, or any other means of  
9 pictorial or sonic reproduction or in writing. Except for closed sessions  
10 called pursuant to section 84-1410, a public body shall allow members of  
11 the public an opportunity to speak at each meeting.

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

19 (3) No public body shall require members of the public to identify  
20 themselves as a condition for admission to the meeting nor shall such  
21 body require that the name of any member of the public be placed on the  
22 agenda prior to such meeting in order to speak about items on the agenda.  
23 The body shall require any member of the public desiring to address the  
24 body to identify himself or herself, including an address and the name of  
25 any organization represented by such person unless the address  
26 requirement is waived to protect the security of the individual.

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

30 (5) No public body shall be deemed in violation of this section if  
31 it holds its meeting in its traditional meeting place which is located in

1 this state.

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

4 (a) A member entity of the public body is located outside of this  
5 state and the meeting is in that member's jurisdiction;

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

9 (c) Reasonable arrangements are made to accommodate the public's  
10 right to attend, hear, and speak at the meeting, including making virtual  
11 conferencing available at an instate location to members, the public, or  
12 the press, if requested twenty-four hours in advance;

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

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

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

23 (8) Public bodies shall make available at the meeting or the instate  
24 location for virtual conferencing as required by subdivision (6)(c) of  
25 this section, for examination and copying by members of the public, at  
26 least one copy of all reproducible written material to be discussed at an  
27 open meeting, either in paper or electronic form. Public bodies shall  
28 make available at least one current copy of the Open Meetings Act posted  
29 in the meeting room at a location accessible to members of the public. At  
30 the beginning of the meeting, the public shall be informed about the  
31 location of the posted information.

1           Sec. 2.    Original section 84-1412, Revised Statutes Cumulative  
2 Supplement, 2022, is repealed.