

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 84

Introduced by Davis, 43.

Read first time January 08, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to public meetings; to amend section 84-1411,
- 2 Reissue Revised Statutes of Nebraska; to provide for a public body
- 3 to use telephone conferencing or videoconferencing as prescribed;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1411, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

20 (2) A meeting of a state agency, state board, state commission,
21 state council, or state committee, of an advisory committee of any such
22 state entity, of an organization created under the Interlocal Cooperation
23 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
24 Act, of the governing body of a public power district having a chartered
25 territory of more than one county in this state, of the governing body of
26 a public power and irrigation district having a chartered territory of
27 more than one county in this state, of a board of an educational service
28 unit, of the Educational Service Unit Coordinating Council, of the
29 governing body of a risk management pool or its advisory committees
30 organized in accordance with the Intergovernmental Risk Management Act,
31 or of a community college board of governors may be held by means of

1 videoconferencing or, in the case of the Judicial Resources Commission in
2 those cases specified in section 24-1204, by telephone conference, if:

3 (a) Reasonable advance publicized notice is given;

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

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

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

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

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

22 (3) A meeting of a board of an educational service unit, of the
23 Educational Service Unit Coordinating Council, of the governing body of
24 an entity formed under the Interlocal Cooperation Act, the Joint Public
25 Agency Act, or the Municipal Cooperative Financing Act, of the governing
26 body of a risk management pool or its advisory committees organized in
27 accordance with the Intergovernmental Risk Management Act, of a community
28 college board of governors, of the governing body of a public power
29 district, or of the governing body of a public power and irrigation
30 district may be held by telephone conference call if:

31 (a) The territory represented by the educational service unit,

1 member educational service units, community college board of governors,
2 public power district, public power and irrigation district, or member
3 public agencies of the entity or pool covers more than one county;

4 (b) Reasonable advance publicized notice is given which identifies
5 each telephone conference location at which an educational service unit
6 board member, a council member, a member of a community college board of
7 governors, a member of the governing body of a public power district, a
8 member of the governing body of a public power and irrigation district,
9 or a member of the entity's or pool's governing body will be present;

10 (c) All telephone conference meeting sites identified in the notice
11 are located within public buildings used by members of the educational
12 service unit board, council, community college board of governors,
13 governing body of the public power district, governing body of the public
14 power and irrigation district, or entity or pool or at a place which will
15 accommodate the anticipated audience;

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

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

23 (f) At least one member of the educational service unit board,
24 council, community college board of governors, governing body of the
25 public power district, governing body of the public power and irrigation
26 district, or governing body of the entity or pool is present at each site
27 of the telephone conference call identified in the public notice;

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

29 (h) No more than one-half of the board's, council's, governing
30 body's, entity's, or pool's meetings in a calendar year are held by
31 telephone conference call, except that a governing body of a risk

1 management pool that meets at least quarterly and the advisory committees
2 of the governing body may each hold more than one-half of its meetings by
3 telephone conference call if the governing body's quarterly meetings are
4 not held by telephone conference call or videoconferencing.

5 Nothing in this subsection shall prevent the participation of
6 consultants, members of the press, and other nonmembers of the governing
7 body at sites not identified in the public notice. Telephone conference
8 calls, emails, faxes, or other electronic communication shall not be used
9 to circumvent any of the public government purposes established in the
10 Open Meetings Act.

11 (4)(a) If a public body represents territory that does not cover
12 more than one county and such county has a population of less than three
13 thousand inhabitants, one member of the public body may participate in
14 any meeting of such public body by means of telephone conference,
15 videoconferencing, or conferencing by other electronic means. Only one
16 member per meeting of such public body may participate by means of
17 telephone conference, videoconferencing, or conferencing by other
18 electronic means.

19 (b) If a public body represents territory that includes at least two
20 counties with populations of less than three thousand inhabitants and
21 such public body is not covered by subsection (2) or (3) of this section,
22 one member of the public body may participate in any meeting of such
23 public body by means of telephone conference, videoconferencing, or
24 conferencing by other electronic means. Only one member per meeting of
25 such public body may participate by means of telephone conference,
26 videoconferencing, or conferencing by other electronic means.

27 (c) Videoconferencing, telephone conferencing, or conferencing by
28 other electronic communication shall not be used to circumvent any of the
29 public government purposes established in the Open Meetings Act.

30 (5 4) The secretary or other designee of each public body shall
31 maintain a list of the news media requesting notification of meetings and

1 shall make reasonable efforts to provide advance notification to them of
2 the time and place of each meeting and the subjects to be discussed at
3 that meeting.

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

14 (7 6) A public body may allow a member of the public or any other
15 witness other than a member of the public body to appear before the
16 public body by means of video or telecommunications equipment.

17 Sec. 2. Original section 84-1411, Reissue Revised Statutes of
18 Nebraska, is repealed.