

AMENDMENTS TO LB 361

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. Section 79-1218, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-1218 The board of each educational service unit shall
6 meet and organize by naming one of its members as president, one
7 as vice president, and one as secretary. The board shall employ a
8 treasurer who shall be paid a salary to be fixed by the board.

9 The board of the educational service unit shall determine
10 the participation of the educational service unit in providing
11 supplementary educational services. If the board of the educational
12 service unit does not provide supplementary educational services,
13 it shall meet during each succeeding January to determine the
14 participation in providing supplementary educational services
15 for that calendar year. Meetings may be held by means of
16 videoconferencing or telephone conference in accordance with
17 subsections (2) and (3) of section 84-1411.

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

20 84-1411 (1) Each public body shall give reasonable
21 advance publicized notice of the time and place of each meeting
22 by a method designated by each public body and recorded in its
23 minutes. Such notice shall be transmitted to all members of the

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

15 (2) A meeting of a state agency, state board, state
16 commission, state council, or state committee, of an advisory
17 committee of any such state entity, of an organization created
18 under the Interlocal Cooperation Act, the Joint Public Agency
19 Act, or the Municipal Cooperative Financing Act, of the governing
20 body of a public power district having a chartered territory
21 of more than fifty counties in this state, of a board of
22 an educational service unit, or of the governing body of a
23 risk management pool or its advisory committees organized in
24 accordance with the Intergovernmental Risk Management Act may be
25 held by means of videoconferencing or, in the case of the Judicial
26 Resources Commission in those cases specified in section 24-1204,
27 by telephone conference, if:

1 (a) Reasonable advance publicized notice is given;

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

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

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

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

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

21 (3) A meeting of a board of an educational service
22 unit, the governing body of an entity formed under the Interlocal
23 Cooperation Act, the Joint Public Agency Act, or the Municipal
24 Cooperative Financing Act, or of the governing body of a risk
25 management pool or its advisory committees organized in accordance
26 with the Intergovernmental Risk Management Act may be held by
27 telephone conference call if:

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

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

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

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

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

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

25 (g) The telephone conference call lasts no more than one
26 hour; and

27 (h) No more than one-half of the entity's or pool's

1 meetings in a calendar year are held by telephone conference call,
2 except that a governing body of a risk management pool that meets
3 at least quarterly and the advisory committees of the governing
4 body may each hold more than half of their meetings by telephone
5 conference call if the governing body's quarterly meetings are not
6 held by telephone conference call or videoconferencing.

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

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

19 (5) When it is necessary to hold an emergency meeting
20 without reasonable advance public notice, the nature of the
21 emergency shall be stated in the minutes and any formal action
22 taken in such meeting shall pertain only to the emergency.
23 Such emergency meetings may be held by means of electronic or
24 telecommunication equipment. The provisions of subsection (4)
25 of this section shall be complied with in conducting emergency
26 meetings. Complete minutes of such emergency meetings specifying
27 the nature of the emergency and any formal action taken at the

1 meeting shall be made available to the public by no later than the
2 end of the next regular business day.

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

7 Sec. 3. Section 84-1413, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 84-1413 (1) Each public body shall keep minutes of all
10 meetings showing the time, place, members present and absent, and
11 the substance of all matters discussed.

12 (2) Any action taken on any question or motion duly moved
13 and seconded shall be by roll call vote of the public body in open
14 session, and the record shall state how each member voted or if the
15 member was absent or not voting. The requirements of a roll call
16 or viva voce vote shall be satisfied by a municipality, a county,
17 a joint entity created pursuant to the Interlocal Cooperation Act,
18 a joint public agency created pursuant to the Joint Public Agency
19 Act, or an agency formed under the Municipal Cooperative Financing
20 Act which utilizes an electronic voting device which allows the
21 yeas and nays of each member of ~~the~~ such county board, city
22 council, ~~or~~ village board, or governing body to be readily seen by
23 the public.

24 (3) The vote to elect leadership within a public body may
25 be taken by secret ballot, but the total number of votes for each
26 candidate shall be recorded in the minutes.

27 (4) The minutes of all meetings and evidence and

1 documentation received or disclosed in open session shall be
2 public records and open to public inspection during normal business
3 hours.

4 (5) Minutes shall be written and available for inspection
5 within ten working days or prior to the next convened meeting,
6 whichever occurs earlier, except that cities of the second class
7 and villages may have an additional ten working days if the
8 employee responsible for writing the minutes is absent due to a
9 serious illness or emergency.

10 Sec. 4. Original sections 79-1218, 84-1411, and 84-1413,
11 Reissue Revised Statutes of Nebraska, are repealed.