

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 637

Introduced by Albrecht, 17.

Read first time January 18, 2023

Committee: Government, Military and Veterans Affairs

- 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.