

LEGISLATIVE BILL 324

Approved by the Governor April 29, 1987

Introduced by Schmit, 23

AN ACT relating to municipal cooperative financing; to amend sections 18-2408, 18-2409, and 18-2410, Reissue Revised Statutes of Nebraska, 1943, and sections 18-2438 and 84-1412, Revised Statutes Supplement, 1986; to redefine terms; to provide for the appointment of alternate directors; to authorize certain meetings outside of the state; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-2408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2408. Director shall mean a member of a board and shall include an alternate. The alternate shall be appointed in the same manner as the director and shall serve and exercise all powers of a director in the absence of the director for whom he or she is the alternate.

Sec. 2. That section 18-2409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2409. Governing body shall mean the council in the case of a city, and the board of trustees in the case of a village, and the equivalent body in the case of a municipality incorporated under the laws of another state.

Sec. 3. That section 18-2410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2410. Municipality shall mean any city or village incorporated under the laws of this state or any equivalent entity incorporated under the laws of another state.

Sec. 4. That section 18-2438, Revised Statutes Supplement, 1986, be amended to read as follows:

18-2438. The board of an agency may create an executive committee the composition of which shall be set forth in the bylaws of the agency. The executive committee shall have and exercise the power and

authority of the board during intervals between the board's meetings in accordance with the board's bylaws, rules, motions, or resolutions. The terms of office of the members of the executive committee and the method of filling vacancies shall be fixed by the bylaws of the agency. The board may also create one or more committees to which the board may delegate such powers and duties as the board shall specify. In no event shall any committee be empowered to authorize the issuance of bonds. The membership and voting requirements for action by a committee shall be specified by the board. An agency which contracts with municipalities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall fully comply with sections 84-1408 to 84-1414.

Sec. 5. That section 84-1412, Revised Statutes Supplement, 1986, be amended to read as follows:

84-1412. (1) Subject to sections 79-327, 84-1408 to 84-1414, and 85-104, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

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

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall for the purpose of circumventing sections 84-1408 to 84-1414 hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body

shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state. Except as provided in section 18-2438, no public body shall hold a meeting outside the State of Nebraska.

(5) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(6) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

Sec. 6. That original sections 18-2408, 18-2409, and 18-2410, Reissue Revised Statutes of Nebraska, 1943, and sections 18-2438 and 84-1412, Revised Statutes Supplement, 1986, are repealed.